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A

HISTORY OF ENGLAND

FROM 1815

VOL. III.

A

HISTORY OF ENGLAND

FROM THE

CONCLUSION OF THE GREAT WAR IN 1815

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AUTHOR OF 'THE LIFE OF THE RIGHT HON. SPENCER PERCEVAL

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PREFACE.

THE History of England from 1815 to the present time may be conveniently grouped into distinct periods. The first of these periods commenced with the Peace, and terminated soon after the accession of George IV. to the throne. The second commenced with the reconstruction of the Liverpool Administration, by the appointment of Peel to the Home Office, and of Canning to the Foreign Office, and terminated with the passage of the Reform Act. The third comprises the History of the Whig Ministry from the passage of the Reform Act to the fall of Melbourne in 1841. It was the object of the first volume of this History to give an intelligible account of the repressive policy pursued by a Tory Ministry, in the first of these periods. It was the object of the second volume to record the great Reforms, in legislation, in administration, and in finance, which distinguished the second period. It is the object of the present volume to describe the use which the Whigs under Grey made of their triumph in 1832, and to relate the causes which subsequently led to their humiliation under Melbourne. The first volume of this work may, therefore, be styled a History of Reaction; the second, a History of Reform; the third, a History of the Decline and Fall of the Whig Ministry.

This domestic policy of the Whig Government from 1833 to 1841 is divisible into two periods. The first, which terminated with the fall of Lord Grey in 1834, is remarkable for the great Reforms which were accomplished by the Ministry. In two sessions Slavery was abolished, a Factory Act was passed, the Irish Church was reformed, the Poor Laws were placed on a new basis, and the information which resulted in Corporation Reform was collected. The second period, which embraces the History of the Melbourne Ministry, is memorable for little measures and great compromises. The Ministry was almost continually thwarted in its attempt to regulate the policy of the State; and it was ultimately overwhelmed by the universal contempt which it had incurred for its feeble conduct. The policy of the Whigs under Grey is described in the 13th chapter of this work; their humiliation under Melbourne is in the 14th and 15th chapters.

The History of the Whig Ministry from 1833 to 1841 would not be intelligible without a short review of the condition of the country in 1833, and of the Irish Government from 1829 to 1832. These prefatory matters are related in the 12th chapter of this work, the opening chapter of this volume. The History would not be complete if the story of the domestic policy of the Whigs were not supplemented with the account of their foreign policy, which will be found in the 15th chapter of this work, the concluding chapter of this volume. From 1830 to 1841 the foreign policy of England was guided by Palmerston. It is not too much to say that Palmerston revolutionised, even more effectually than Canning the policy of the Department. During his tenure of the Foreign Office, Canning used

the moral influence of England in favour of the struggling cause of freedom. Palmerston actively interfered in behalf of the interests or supposed interests of his country. During the earlier years of his administration these interests were identified with the cause of constitutional government, and his exertions, which culminated in a quadruple alliance of the Constitutional Powers of Western Europe, won the approval of earnest Liberals. During the later years of his administration these interests seemed to him to be identified with the maintenance of the Ottoman Empire; and his policy, which led to a quadrilateral alliance between Britain and the autocratic Powers of Eastern Europe, was opposed by the wiser members of the Cabinet, and condemned by the wisest Liberals in the House of Commons. The fall of Acre recommended it to the people, who were reconciled by a fresh naval victory to a possible rupture with France, and to an alliance with autocracy.

LONDON: *March* 1880.

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Errata

Page vi, line 28, *for* 15th *read* 16th
„ 75, „ 21, „ rolls „ lolls
„ 121, „ 28, „ 1824 „ 1823
„ 183, „ 23, „ Jeffrey's „ Jeffreys'
„ 205, „ 31, *omit* under nine years of age
„ 224, „ 20, *for* 116,000*l.* *read* 516,000*l.*
„ 321, „ 3 of note, *for* broker *read* Croker
„ 357, „ 32, *for* 1835 *read* 1836
„ 514, „ 13, „ annually *read* regularly
„ 523, „ 3, „ Instead, therefore, of *read* In addition, therefore, to
„ 591, „ 25, „ autonomy *read* autocracy

HISTORY OF ENGLAND.

CHAPTER XII.

CHAP. XII.

Summary of the preceding volumes.

THE passage of the first Reform Bill marks the conclusion of the important period of British history which commenced with the peace of 1815. Throughout the whole of it a struggle, whose leading incidents have been related in the previous chapters of this work, had been carried on between the friends of Reform on one side and its opponents on the other. During the years which immediately succeeded Waterloo, the latter retained the advantageous position which they had previously gained. The domestic policy of Britain was conducted by statesmen whose political opinions were founded on the system which Pitt had pursued during the declining years of his administration. The foreign policy of Britain was based on the principles which Madame Krudener had suggested and which Alexander had adopted. But the opponents to Reform, though they retained the positions which they occupied, found it necessary to strengthen the fortifications by which they were held; and the new outworks which they succeeded in establishing proved a fresh and irresistible menace to their opponents. Autocratic measures, barely tolerable before, became intolerable after the passing of the Six Acts. A

CHAP. XII.

younger generation, educated in a freer atmosphere, defended with reluctance the institutions which their fathers had supported with enthusiasm; and the Reformers, deriving assurance from the hesitation of their opponents, renewed their attacks on the untenable position in which the hottest of the Tories had entrenched themselves.

It has been the object of the preceding volumes to trace the progress of the struggle which thus occurred. It has been shown that the course of reform, which was accelerated by the death of Castlereagh, was not retarded by the death of Canning. It has been shown that the demand for reform, occasionally directed to other objects, was never suspended. In 1823 the reformers were busy in promoting the views which Mackintosh suggested and which Peel conceded. In 1824 and 1825 they were occupied with the great commercial changes which were originated by Wallace, Huskisson, and Robinson. In 1826 and 1827 they were supporting the generous revolution which Canning gradually introduced into the policy of the Foreign Office. In 1828 and 1829 they were removing the disabilities which distressed large numbers of their fellow-subjects. In 1830 they were steadily preparing for the attack on the constitution, which was the object of their labours in 1831, and which was concluded by their triumph in 1832.

In relating the history of the struggle which thus occurred, it was necessary to confine the narrative to the leading incidents in the contest. 'Les grands événements et les grands hommes sont les points fixes et les sommets de l'histoire; c'est de là qu'on peut la considérer dans son ensemble, et la suivre dans ses grandes voies.'[1] But the painter, who sketches the leading features of a landscape from the hilltop above it, has subsequently to introduce the minor details which give

[1] Guizot's *L'Histoire de la France. Lettre aux Editeurs*, p. iii.

distinctness and character to his picture; and the writer, who desires to produce a clear description of a nation's progress, must supplement his narrative of the leading incidents in its history with an account of the intellectual and industrial development of its people.

The growth of the people.

The people of the United Kingdom multiplied with unprecedented rapidity during the progress of the great war which was concluded at Waterloo. But the growth of the population was not arrested after the peace. In 1816 the United Kingdom is estimated to have contained nineteen millions of persons. In 1831 it was found to possess rather more than twenty-four millions of inhabitants. The population of Great Britain had risen in the interval from some thirteen millions of people to sixteen millions and a half; the population of Ireland had concurrently increased from some six millions to about seven millions and three quarters.[1] The population of the two islands had increased with almost equal rapidity. But there was a wide difference between the causes which had led to their development. In Great Britain the additions to the population had been made in the large towns or in the manufacturing counties, and the population of the rural districts had grown with less rapidity, and in some cases had ceased to grow at all. In Ireland, on the contrary, the multiplication of the people had been accompanied with the multiplication of small holdings; and the inhabitants of the purely agricultural districts of Connaught[2] had multiplied with greater rapidity than any other section of the community. The result was very striking. In 1831 not quite

[1] The estimate for 1816 will be found in vol. i. p. 25. The exact numbers in 1831 were:—

England . .	13,091,005
Wales . . .	806,182
Scotland . .	2,365,114
Ireland . . .	7,767,401
Army, Navy, &c.	277,017
	24,306,719

[2] The rate of increase in the population from 1821 to 1831 was, omitting fractions:—

Leinster . .	9 per cent.
Ulster . . .	14 „
Munster . .	15 „
Connaught .	21 „

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one-third of the population of Great Britain was engaged in agricultural pursuits. In Ireland two persons out of every three were employed in the cultivation of the soil.[1]

In Ireland the dependence of the people on a single industry interfered with the rapid accumulation of wealth; but in Great Britain the prosperity of the population increased with more rapidity than its numbers. At the close of the eighteenth century Pitt estimated the gross incomes of the people (above the wage-earning class) at rather more than 100,000,000*l.* a year.[2] At the close of the great war the incomes on which income tax was leviable amounted to about 150,000,000*l.*[3] It is not, of course, easy to form any accurate estimate of the wealth of the nation in 1832. The income tax, the easiest test for such a purpose, was not in force; and, without the information which such a tax affords, any estimate must be imperfect. But it is possible to arrive at some idea of the multiplication of wealth from 1815 to 1832. In 1815 every penny of the income tax yielded rather more than 500,000*l.* a year. In 1843, when the income tax was reimposed, every penny of the duty yielded about 800,000*l.*[4] The taxable income of the country had increased in twenty-eight years by 60 per cent. There are good grounds for believing that the growth of wealth from 1832 to 1843 was not more rapid than its growth from 1815 to 1832. On the assumption that riches accumulated at the same rate throughout the whole period, the taxable income of the country must have increased from rather less than 150,000,000*l.* in 1815 to about 200,000,000*l.* in

The growth of wealth.

[1] The exact numbers were 315 out of every 1,000 in Great Britain, and 657 out of every 1,000 in Ireland. Porter's *Progress of the Nation*, p. 61.

[2] The estimate will be found in many places. See, *inter alia*, *Return of Public Income and Expenditure*, sess. 1869, pt. ii. p. 424.

[3] *Report of the Commissioners of Inland Revenue*, 1870, vol. ii. p. 184.

[4] *Return of Public Income and Expenditure*, sess. 1869, pt. ii. p. 427.

1832. In 1815, however, all incomes of 50*l.* a year and upwards were subjected to the duty. In 1843 no income of less than 150*l.* a year was taxed. In 1815, moreover, the aggregate value of all the incomes under 150*l.* a year amounted to nearly one-third of the sum charged with duty.[1] Placing it at only one-ninth of the sum, the gross taxable income of the country, according to the system of 1815, must have amounted in 1832 to at least 225,000,000*l.* a year: the wealth of the nation, in other words, must have increased by 75,000,000*l.* since the conclusion of the war.[2]

This conclusion may be supported by a good many figures. Ths value of the real property of the kingdom, which is the least elastic of all kinds of property, rose from 60,000,000*l.* to about 80,000,000*l.* in the interval.[3] The personal property, subject to legacy duty, increased from 28,000,000*l.* in 1815 to 43,000,000*l.* in 1832.[4] The property insured against fire, which was valued at 353,000,000*l.* in 1811, increased in almost the same proportion to 507,000,000*l.* in 1831.[5] These figures, in various ways, corroborate the conclusion that the incomes of the people of Great Britain, above the wage-earning class, increased by about 50 per cent. between 1815 and 1832. Thus the population of Great Britain had grown from about thirteen millions to about sixteen millions and a half, or by rather more than 25 per cent.,

[1] Such, at any rate, was the case with Schedule D. The figures are given in the *Report of the Commissioners of Inland Revenue*, 1870, vol. ii. p. 189.

[2] The editor of the *Black Book*, founding his calculations on Dr. Colquhoun's *Treatise on the Resources of the British Empire*, placed the gross income of all classes in 1830 at 206,000,000*l.* a year. *Black Book*, p. 277. As 90,000,000*l.* of this amount was derived from wages and other non-taxable incomes, the taxable income amounted to 206,000,000*l.* The wages of the labouring population were computed at the same amount —90,000,000*l.*—in a petition to the House of Commons in 1840. *Hansard*, vol. liv. p. 69.

[3] It rose to 95,000,000*l.* in 1843, and must, therefore, have exceeded 80,000,000*l.* in 1832. *Report of the Commissioners of Inland Revenue*, 1870, vol. ii. p. 201.

[4] Porter's *Progress of the Nation*, pp. 500, 501.

[5] *Ibid.* p. 605.

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while the incomes of the people above the rank of a day labourer had increased from 150,000,000*l.* to 225,000,000*l.*, or by about 50 per cent. The accumulation of wealth had been twice as rapid as the multiplication of the people.

These figures, however, important as they are, give only an imperfect idea of the improvement which had taken place in the condition of the people. The incomes of the community were no longer subjected to a deduction of 10 per cent. for the purposes of the Government. The income tax had been repealed, and the repeal of the income tax had directly augmented the money at the disposal of the upper and middle classes. The same result had been even more effectually promoted by the return to cash payments. The purchasing value of every pound was increased, and a man living on a fixed income was proportionately richer from the circumstance. In 1815 the incomes of the people, which have been placed in the aggregate at 150,000,000*l.*, were subjected to a deduction of 15,000,000*l.* for income tax. The residue of 135,000,000*l.* was usually worth less than 120,000,000*l.* The increase in the purchasing power of the community between 1815 and 1832 was therefore much greater than the increase in the nominal incomes of the people. The incomes of the people, above the wage-earning class, rose from 150,000,000*l.* to 225,000,000*l.* The purchasing value of the same incomes was increased from 120,000,000*l.* to 225,000,000*l.*

These figures afford some indication of the rapid improvement which had taken place in the condition of the upper and middle classes of the population. Twenty-five per cent. had been added to the numbers of the inhabitants of Great Britain, but the incomes of the upper and middle classes had increased 50 per cent., and their purchasing value by more than 80 per cent.

The wealth of the country was growing twice as rapidly as its people, and in consequence many sections of the community were increasing their expenditure and indulging in luxuries from which they had previously abstained.

The growth of trade.

The increase in the purchasing value of each man's income was, of course, expressed by a fall in the price of commodities. But the general fall in prices, which was one of the most remarkable features of the peace, and which produced an extraordinary confusion in men's minds, was not entirely attributable to the resumption of cash payments. Till the concluding years of the eighteenth century the value of the goods, either exported from or imported into Britain, was uniformly computed on a fixed standard which had been arranged a century before. But the value of many articles of commerce had, of course, been materially altered by the discoveries and inventions of a hundred years; and the official figures, though they continued to afford an unfailing test of the amount of British commerce, no longer furnished any indication of its value. Towards the close of the eighteenth century this defect in the returns attracted attention; and, in consequence, from 1798 downwards, the declared or real value of British exports was added to the statement of their official value. During the continuance of the war the high prices which universally prevailed produced an excess in the real values over the official values, but from the conclusion of peace the reverse occurred. Prices fell rapidly. The real values of the exports fell with equal rapidity, and contrasted unfavourably with their official values. The official value of the exports rose from 41,712,002*l.* in 1815 to 64,582,037*l.* in 1832; but their real value decreased in the same period from 49,653,245*l.* to 36,046,027.[1]

[1] The imports, it may be as well to add, were at both periods only

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An age which was only imperfectly instructed in economical doctrines was incapable of understanding the true significance of these accounts. How was it possible—so men asked one another—for the country to sell for 36,000,000*l.* commodities which their own forefathers valued at 64,000,000*l.*? Could a manufacturer hope to obtain a profit when he was disposing of an article for 7*d.* for which his ancestors had charged 1*s.* 1*d.*? Was it not obvious that the increased trade was due to trading at a loss, and that it was consequently a source of evil, not of advantage, to the country? These gloomy opinions were, in reality, as valueless as the many warnings which have been uttered from the time of Davenant to the present day against an adverse balance in the trade of the nation. The facts which made these dreamers imagine that the country was trading at a loss were in reality only indications of the causes which were accounting for the prosperity of the nation. Peace, which had reopened the ocean to the merchantman, was enabling the manufacturer to supply himself with his raw material at a constantly diminishing cost. Invention, busily improving the great discoveries of the previous century, was continually lowering the cost of manufacture, and the tradesman, buying his raw material for half its original price, and converting it into a manufactured article twice as quickly and twice as economically as before, was able to sell his goods for less than half the sum which he had previously asked for them, and to gain as large a profit as ever by the transaction.[1]

calculated according to the official values. The official values rose from 31,822,053*l.* in 1815, to 43,237,417*l.* in 1832. It is remarkable that the trade of the country increased in almost exactly the same proportion (50 per cent.) as the incomes of the upper and middle classes.

[1] One article will indicate the truth of this argument quite as clearly as a dozen articles. The price of raw cotton wool fell from about 1s. 6d. in 1816 to about 6d. per lb. in 1832. Tooke's *History of Prices*, vol. ii. p. 401. The value of the labour employed in turning cotton-wool

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Invention had, in fact, diminished the cost of production; machinery, introduced into almost every industry, had provided the manufacturers with a nearly illimitable power, while improved means of locomotion both by sea and by land had enabled them to supply their distant customers at a constantly decreasing cost, and to gather their materials from regions which had been previously inaccessible. Brindley and his followers had intersected the country with canals, Telford and MacAdam had supplied it with roads. The former had enabled the heavy articles of commerce to be conveyed at unprecedently low rates to their various destinations. The latter had enabled the lighter articles to be carried with unprecedented rapidity, and had afforded every traveller the means of moving from place to place with a safety, at a speed, and for a price which, only a few years before, would have seemed unattainable. Travelling promoted by these beneficent improvements was deprived of half its inconveniences and of more than half its dangers, and the beautiful prayer in which the Church still associates the perils of the traveller with those of the sick bed, the nursery, and the prison, was already becoming an anachronism.

Which was due to the discoveries of the previous period.

The extraordinary facilities for locomotion, however, which had been obtained by the inventions of Brindley and Telford, were on the eve of being superseded by a new discovery of the first importance. Neither Telford nor Brindley had succeeded in introducing a new power. Telford had merely facilitated locomotion by providing smooth roads with easy gradients. Brindley had only

The introduction of tramways and railways.

into yarn fell from 1s. 6d. per lb. in 1812 to 1s. 0½d. in 1830. See Mr. Lee's estimate, quoted by Peel, in *Hansard*, xlvi. 755. The labour is estimated at the same rate, 20*d.* a day, at both periods. It followed that the cost to a manufacturer of every pound of cotton yarn fell from 3s. to 1s. 6½d. in the interval. It may be added that, during this period, the declared value of the cotton manufactures exported slightly decreased, while the quantity exported was doubled. Cf. official and declared values in McCulloch's *Commercial Dict., ad verb.* 'Cotton.'

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acted on the principle that water offers less resistance than earth to the movement of a heavy body. On the same principle it had for some time been customary in colliery districts to construct wooden rails, on which the loaded waggons could be drawn from the colliery to the vessel on the river or the barge on the canal. A horse, it was found, could draw a much heavier load on the rail than on the ordinary road. By degrees iron was substituted for wood as the material for the rail, the iron being at once more durable, and offering less resistance to the wheel. But the tramway or railroad which was thus made continued to be worked by horse power. Up to 1820 no one had succeeded in substituting any other machinery for the purpose.[1]

It was already, however, becoming obvious to advanced thinkers that the provision of a new motive power was only a question of time. Watt had reduced to practice the speculations of Solomon de Caus in France and of the Marquis of Worcester in England, and thousands of steam-engines were pumping mines and turning machinery. Fulton in America and Bell in Scotland had proved the possibility of using steam as a locomotive power on water, and new steamboats were constantly being constructed at all the great centres of the shipbuilding trade. Men were being familiarised with the mighty power of the steam-engine, and were constantly contemplating the possibility of extending it to new uses. There were two classes of persons who were bent on applying steam to the purposes of locomotion by land. One class, dwelling on the ordinary requirements of the community, was desirous of inventing a machine

[1] Most of these railways were made for colliery purposes. Some, however, were constructed, under the authority of Acts of Parliament, on ordinary roads for general purposes. It is very remarkable that the fourth in order of time, for which such an authority was obtained, the Swansea and Oystermouth Railway, continued for seventy-four years afterwards to be worked by horse-power.

which could travel on an ordinary road, and which would supersede the coach. Another class, more intimately connected with the wants of mining districts, was anxious to construct an engine which would travel on the wooden or iron rails to or from the collieries.

The first locomotive engine.

In the early years of the nineteenth century the class of inventors which desired to introduce steam on ordinary roads seemed much more likely to succeed than the class which rested their hopes on the railroad. Every town in the country had the advantage of a road, but there were not a dozen railroads in the whole of England; and these lines, usually laid on the ordinary thoroughfares, were constructed to meet the necessities of some particular traffic, and were neither strong enough nor flat enough for the purposes of steam. It was natural that an ordinary inventor, bent on the introduction of a new motive power, should contemplate its application to the only places where there seemed the slightest chance of its being used. Murdoch, whose name has already been mentioned in this work in connection with the invention of gas, was perhaps the first Englishman who constructed the model of a steam-carriage. His model was so far successful that the machine ran rapidly along the path on which it was tried. But Murdoch had probably little confidence in its practical value, for he took no further steps with his scheme. One of Murdoch's pupils, however, Richard Trevithick, pursued the idea which Murdoch had abandoned. In 1802 he patented a steam-coach, which, after a successful trial in Cornwall, was brought to London. The invention attracted considerable attention; some of the foremost thinkers of the age expressed their confidence in its utility. But Trevithick's wayward genius prevented his perfecting an invention which seemed on the eve of adoption. He shut up his model, and addressed himself to the construction of a second steam-engine, to run, not upon a road, but upon

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rails. The locomotive was built. It was actually put to work. But after a short trial it ran off the rails and broke down, and was put away and forgotten.

The idea of a steam-coach, however, which Trevithick had thus embodied in a practical form, was not abandoned. Nearly thirty years after the good people of Cornwall had been startled and amused by the apparition of Trevithick's engine, a much more successful machine was introduced to public notice. In 1829 Mr. Gurney succeeded in inventing a steam-carriage, capable of running on an ordinary road at the rate of at least ten miles an hour, and of behaving with so much decorum, that it did not alarm the horses which it passed. Sir Willoughby Gordon, who at the time was Quartermaster-General to the army, took considerable interest in the novel machine, and endeavoured to induce Wellington, as Prime Minister, to regard it with equal respect. The Duke, however, was not in favour of experimental novelties, and was not inclined to agree with Gordon that the machine would 'eventually and at no distant period force itself into very extensive use.' There was, so the Duke was told, a very good reason against its adoption. These drag engines could only draw a load one-twentieth part of their own weight. It would require, therefore, an engine of forty tons weight to draw a moderate load of two tons. Where were the roads which could support so crushing a burden? What could be the practical use of a machine which could only move on these conditions?[1]

George Stephenson.

In July 1829, when Wellington expressed this remarkable opinion, there were not perhaps ten men in England who would have ventured to gainsay it. Yet a locomotive engine had been at work for years, and one man in England at any rate had satisfied himself of

[1] The Duke's opinion and Willoughby Gordon's reports will be found in *Wellington Despatches*, vol. vi. pp. 45, 48, 59, 64.

the immense advantage arising from its use. George Stephenson, the son of a Northumbrian collier, was born at Wylam in 1781. Every traveller from Newcastle to Hexham may still see, on the opposite bank of the Tyne, the humble cottage in which the great engineer was born. His parents were poor; elementary education was in those days habitually neglected; and the inventor of the locomotive, instead of being sent to school, was employed in herding cows at twopence a day. Growing in stature and strength, he was taken from the meadow and put to work in the colliery. His wages were gradually raised to twelve shillings a week. His steady habits commended him to his employers, and he became successively engineman and brakesman at the colliery. These various employments were eminently advantageous to him. They familiarised him with the details of the engine and of the machinery. Mere familiarity, however, with these details would not have qualified him for the great career which he ultimately pursued. A man who could neither read nor write was shut off from the opportunity of acquiring the information which was accessible to his better educated contemporaries. Stephenson had the wisdom to appreciate his own deficiencies, and the courage to make arrangements for supplying them. His first savings were spent in purchasing the instruction which most men acquire when they are children of four years old.

Stephenson, however, though he devoted his days to his ordinary work, and his evenings to the schoolroom, found leisure for other occupations which were in their way advantageous to him. At a very early period of his life an accident, which caused his eight-day clock to stop, directed his attention to clock-making, and he in this way almost unconsciously acquired a more intimate acquaintance with machinery than his attention to his

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engine could possibly have given him. This intimacy soon stood him in good stead. In 1810 he succeeded in making an old Newcomen engine clear a pit at Killingworth in which the water, after twelve months' fruitless pumping, was as high as ever. His success on this occasion gained for him in 1812 the post of engine-wright to the colliery, and in that office he had further opportunity of familiarising himself with the use of machinery. He erected an engine to draw the coals out of the pit. He laid down a self-acting incline to carry them on their way to the loading-place. A self-acting incline, however, was obviously only practicable in those places where the fall of the land was from the colliery. For the most part of the journey the coals had to be laboriously drawn by horse-power from the pit to the river. It was natural that colliery proprietors and agents should examine the possibility of saving this serious cost, and two or three persons in the North of England endeavoured to improve Trevithick's engine, and to invent a locomotive capable of drawing coals. They were all, however, defeated by the imaginary difficulty which Wellington years afterwards urged in opposition to the Gurney steam-carriage. A smooth wheel passing over a smooth rail would, they imagined, slip, and there was no alternative, therefore, but to devise 'a toothed driving wheel' capable of acting on a rack rail. Nothing but a series of costly failures, proving the impracticability of the rack rail, led to the common-sense adoption of a smooth wheel running on a smooth surface. But the best locomotive which had yet been invented was a costly failure. Horses, even in drawing loaded coal waggons, were cheaper and faster than steam.

Such was the position of the locomotive in 1812, when Stephenson was appointed engine-wright to the Killingworth Colliery. The lessees of the colliery, Sir

Thomas Liddell, Lord Strathmore, and Mr. Stuart Wortley, had the wisdom to encourage the inventive ingenuity of their servant. Liddell advanced him money to enable him to build a locomotive, and Stephenson, thus provided with the requisite means, set about the construction of his first engine. The engine was so far successful that it drew heavy loads of coal at the rate of three miles an hour. But it had the same defect which characterised all its predecessors. It did not pay. It was legitimate to doubt the expediency of a machine which could not move more quickly or work more cheaply than horses; and one more proof had, therefore, apparently been given of the uselessness of the locomotive. Residents in the neighbourhood, indeed, thought the machine worse than useless. The steam, escaping from the cylinder, alarmed their horses, and induced them to threaten legal proceedings to stop the nuisance. The threat, which nearly terminated the railway in the hour of its birth, became the wonderful means of securing its adoption.

His first locomotive.

It was obviously necessary to get rid of the hissing steam, which was making the neighbourhood of the engine a terror to horse-owners. The easiest way of doing so was to let it mingle with the smoke in the chimney. But Stephenson observed, what everyone else must have noticed, that the light vapour which is called steam rises more rapidly into the air than the heavy particles of unburnt coal which are called smoke. It followed that, if the steam were introduced under the smoke, the smoke would pass more rapidly up the chimney, the draught in the furnace would be increased, and the combustion would be more perfect and more intense. He reduced his ideas to practice, and the truth was at once manifest. The steam ceased to hiss, the passing horses ceased to start, and the power of the locomotive was at once doubled. The success of the

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locomotive was no longer doubtful. Steam had become cheaper than horse power.

The Killingworth engine, which had now become a success, continued to work on the Killingworth railway, and Stephenson, encouraged by the results which he had already obtained, proceeded to design a new locomotive, and to introduce improvements into the construction of the rails on which the engine ran. These alterations were made in 1816. They justified the confidence of their originator. The two Killingworth engines continued to perform their laborious duty of drawing coals from the colliery to the Tyne. But Killingworth was at a distance from the metropolis. Even scientific men took no interest in an invention which no one went out of his way to describe, and for three years no steps were taken to build another locomotive. At last, in 1819, the proprietors of a colliery in the adjacent county of Durham decided on substituting a railway for the waggon road on which their coals had hitherto been drawn to the river. They naturally inspected the successful works at Killingworth, and secured the services of the skilled workman who had designed the Killingworth locomotives. Stephenson had thus the opportunity of constructing his second railway; and, towards the end of 1822, he had the satisfaction of completing the work, and of seeing five locomotives, invented by himself and built under his own superintendence, successfully working on the new line.

His second railway.

Yet the progress of the locomotive had hitherto been marvellously slow. For eight years the Killingworth engines had been effectually demonstrating the power of steam, and, with one exception, steam had not been introduced on another railway. The locomotive, however, was on the eve of securing a much more important victory. Edward Pease, a colliery proprietor in Durham, a rich and far-sighted man, had for some years been

advocating the construction of a railway between Stockton and Darlington. He had satisfied himself that a horse could draw ten tons, on an iron rail, with the ease with which it could draw one ton on a common road; and that the increased economy in horse-power would, therefore, more than repay the cost of constructing a railway. It was obvious, however, that a line of this description, passing over a considerable extent of country, and through the estates of various proprietors, could not be made without Parliamentary sanction. The projected line, unfortunately, passed near one of Lord Darlington's fox coverts, and Lord Darlington, in consequence, opposed the bill and secured its rejection. Fortunately, however, Lord Darlington's selfish opposition did not lead to the abandonment of the proposal. A new line was surveyed; the covert was carefully avoided; and Parliament, in 1821, sanctioned the construction of the Stockton and Darlington Railway.[1]

The Stockton and Darlington Railway.

Edward Pease had met with a remarkable success. He had obtained Parliamentary sanction for a longer line of railway than had yet been constructed in the world. But the length of the line was the chief thing which was noteworthy about it. Nearly twenty tramways or railways had already been constructed under Parliamentary sanction in various parts of the country; and there was nothing, therefore, beyond the length of the line which was new in Pease's proposal. Fortunately, however, Stephenson heard of the new Act. Still more fortunately he called on Pease, and persuaded him to come and see the Killingworth locomotive. Stephenson, made engineer to the new railway, suggested certain deviations from the approved plans, which necessitated a fresh application to Parliament. In the new Act the

[1] 1 and 2 Geo. IV. c. xliv. Porter (*Progress of the Nation*, p. 329) gives the date of the Act as 1823. The Act of 1823, 4 Geo. IV. c. xxxiii., was an amending Act, varying the line of the railway, &c.

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promoters, on Stephenson's advice, took power to work the railway by means of locomotive engines. Parliament gave the necessary sanction. Stephenson, with Pease's assistance, established a factory at Newcastle for the purpose of building locomotives. The various works which the construction of the line necessitated were successfully made; and, on the 27th of September, 1825, the Stockton and Darlington Railway was opened for traffic. In the immediate neighbourhood the opening of the line was naturally regarded as an extraordinary event. The speculators went to see the new engine work: the sceptics went to see it fail. But the fame of the invention did not spread beyond the narrow limits of the immediate neighbourhood. The 'Annual Register' of 1825, amidst its variety of news, does not devote a single line to the new railway. A week after its opening most of the London newspapers published a short account of the opening ceremony. But these accounts attracted no attention. The greatest event which had taken place in the history of the world since the battle of Waterloo was suffered to pass almost unnoticed. At the time of the opening probably not one person in every hundred in London had heard of the humble inventor, who had raised himself to the first place amongst his country's benefactors.

The locomotive, however, was on the eve of attracting a much wider attention. Liverpool and Manchester, endowed with fresh activity since the construction of the Bridgewater Canal, were annually increasing their population, their wealth, and their trade. The Canal, which had been the origin of their prosperity, proved unequal to the growing traffic, and manufacturers and merchants were exposed to serious inconvenience by the constant delays which took place in the transport of their commodities from one town to the other. Under such circumstances it was natural that the foremost thinkers should speculate on the possibility of connecting the two towns

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The Manchester and Liverpool Railway.

with a new road, and it was almost equally natural that they should contemplate the construction either of a tramway or a railway[1] worked with horse-power. Some years passed before the speculations which thus arose assumed a definite shape. The projectors, introduced to Stephenson, paid several visits to Killingworth to ascertain the possibility of using locomotives on the line. Their investigations naturally convinced them of the success of the new engines; and, in the course of 1825, they resolved on applying to Parliament for leave to construct a railway to be worked by steam-power. Stephenson was made engineer to the line; and his evidence, it was from the first foreseen, would be of great importance. Yet his evidence was open to one serious objection. He had such confidence in the merits of his engine that he claimed for it powers which made other people think him a madman. His own counsel begged him to moderate the speed of the locomotive to ten miles an hour. Ten miles an hour, however, seemed an impossible speed to the legislators of 1825. Even the best locomotive engine, argued one of them, could not travel at more than three or four miles an hour.[2] In the seventeenth century the French had confined De Caus in a lunatic asylum for persistently pressing on their notice the power of steam. In the nineteenth century English gentlemen thought Stephenson under a delusion when he adhered to his belief in the power of the locomotive. Yet Stephenson's engines had then been working for ten years at Killingworth; and anyone who

[1] These two words are used in a very different sense from that which they originally bore, and still properly bear. Tramways, so called from Outram, their inventor, were cast-iron plates about 4 inches wide, with the inner edge turned up. The wheels of the waggon ran along the plate, and were prevented running off the plate by the part thus turned up. Tramways could, of course, be used by any ordinary waggon. Wrought-iron rails were gradually substituted for the cast-iron plates, and were found to be an improvement. But the railroad, like the tramway, continued to be worked by horse-power.

[2] *Hansard*, New Series, vol. xii. p. 852.

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had taken the trouble to enquire into the facts might have satisfied himself of their efficiency.

The opposition with which the bill was assailed led to its withdrawal. Its promoters, however, decided on renewing their efforts in a future session. But the abuse with which Stephenson had been met shook their confidence in their engineer, and the preparation of the new Bill was confided to other hands. The arguments against the locomotive had told on the promoters of the line. They offered no opinion on the use of steam or to submit to any restrictions on its use. Thus amended the bill came before Parliament in the session of 1826. The amendments, it was at once evident, had mitigated the violence of the opposition. The opening of the Stockton and Darlington Railway had afforded a practical answer to half their arguments. Lord Derby, indeed, in one House used all his efforts to defeat the measure. His grandson, Edward Stanley, in the other, exerted his eloquence, just ripening into maturity, against the bill. Notwithstanding this opposition the bill became law; and, after a fruitless attempt to secure the assistance of Rennie, the promoters obtained the services of Stephenson as engineer to the line.

Stephenson's appointment as engineer to the Liverpool and Manchester Railway afforded him an opportunity of displaying his extraordinary ability. He had already raised himself to the first place among inventors by his steam-engines at Killingworth and Darlington. But the successes which he had hitherto achieved had resulted from the training which he had received as a colliery enginewright. It was conceivable that a very able workman, constantly superintending a steam-engine, should be able to build a better engine than had hitherto been constructed. As engineer to the Liverpool and Manchester Railway, however, his capacity was subjected to a new test. He was suddenly required to design and

construct works of a character which had never even been contemplated by any previous engineer. At one end of the line he had to drive a tunnel under the streets of Liverpool. At the other end of it he had to carry the railway across a 'moss' which a man could not walk upon. Yet the self-educated mechanic, who had not known how to read at eighteen years of age, and who, with one exception, had never previously been employed on any considerable tunnel, completed his road over the moss, drove his road under Liverpool. The inexperienced workman, whom grave members of Parliament had thought mad in 1825, successfully accomplished the greatest work which had up to that time been undertaken in Great Britain, and the most original work which had been attempted since the days of Brindley.

In 1829 the success of the railway was assured; but the adoption of steam-power was still doubtful. The promoters of the line had not forgotten the ridicule with which the locomotive had been assailed in Parliament, and many of them were seriously inclined to work the railway either with stationary engines or with horse-power. The locomotives at Killingworth had been working for nearly fifteen years. The locomotives in Durham had been working for nearly four years. But the teachings of experience failed to convince persons who had been influenced by the arguments of prejudiced theorists; and the directors of the new railway refused to consent to the adoption of the locomotive. Stephenson induced them, before finally rejecting the notion of a travelling steam-engine, to offer a reward of 500*l.* for the best locomotive that could be made. In October 1829 four different inventors sent engines to compete for the prize. Stephenson and his son Robert constructed the 'Rocket' to take part in the competition. The people who met in the neighbourhood of Rainhill

The 'Rocket' engine.

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to witness the novel trial did not fancy the appearance of the 'Rocket.' The strange distrust of Stephenson, which so frequently existed during his early career, influenced their feelings. But when the trial began the 'Rocket' was the only engine that was ready to move. The other inventors succeeded in procuring a postponement of the competition. But on the second day their success was no better than on the first. The 'Novelty' broke down; the 'Sanspareil' ran itself to a standstill; and the 'Perseverance' could not move at all. The 'Rocket' fulfilled all the conditions of the contest, and wound up its performances by running at the rate of thirty-five miles an hour. Stephenson had at last proved the superiority of the locomotive, and the superiority of his own engine to that of any other inventor.

The 'Rocket' had virtually settled the question which had been perplexing the directors of the Liverpool and Manchester Railway. There was no longer room for doubt that the new line must be worked by travelling steam-engines. But the 'Rocket' had done more than settle a difficult question. It had proved the extraordinary capacity of the new power, which Stephenson had been previously almost alone in appreciating. The directors saw that the construction of their railway was something more than an event of local importance, and they determined to celebrate its opening with due ceremony. Wellington, who was Prime Minister, was invited, and consented, to be present on the occasion. Peel, the Home Secretary, attended, with his chief; and Huskisson, the member for Liverpool, who had warmly supported the line in Parliament, was also in attendance. The presence of so many distinguished visitors naturally increased the enthusiasm of the people who thronged out of the busy towns of Lancashire to witness a spectacle which had never been previously seen in the

annals of the world. Eight locomotive engines, all constructed under Stephenson's superintendence, conveyed the distinguished persons who were accommodated with seats in the procession. Wellington, in a train drawn by the 'Northumbrian,' was on the south line of the railway. The seven other locomotives were on the north line. The 'Northumbrian' was stopped at Parkside, a little station near Newton, close to the spot where the Liverpool and Manchester Railway is now crossed by the North-Western; and the seven locomotives on the north line were moved in procession before it. Unfortunately some peacemonger chose that opportunity for reconciling Huskisson and Wellington, who had never met since their unfortunate difference in 1828. The two statesmen shook hands. But they had hardly done so before the 'Rocket' was seen approaching. Huskisson vainly endeavoured to get out of the way of the advancing engine. Clumsy from childhood, he failed to do so, and was knocked down and seriously injured. The unfortunate statesman, hastily removed to a friend's house at Eccles, sank within twenty-four hours from the injuries which he had received. It was afterwards noticed that the 'Northumbrian,' in conveying him to Eccles, had run at the unprecedented rate of thirty-six miles an hour.[1]

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The railway opened, and Huskisson killed.

A lamentable accident had given a melancholy interest to the opening of the new railway. But even the accident, which had resulted in the death of Huskisson, could not divert the attention of the public from the nature of the ceremony. Everyone who had seen the eight locomotives travelling in procession on the new line, everyone who had heard of the astonishing pace at which the suffering statesman had been carried to his friend's house, had received a new and convincing

[1] For the accident see the introductory memoir, *Huskisson's Speeches*, vol. i. p. 233; and *Ann. Reg.*, 1830, Chron., p. 144.

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proof of the capacity and speed of the travelling engine. It was no longer possible for sceptical engineers to laugh at the self-educated mechanic who ventured to speak of passing over an hitherto impracticable moss at the rate of twelve miles an hour. The impracticable moss had been subdued; and the locomotives were running at three times the speed which their inventor had previously claimed for them. Engineers, surrendering their previous opinions, were now busily projecting new railways, and fondly speculating on the almost illimitable field for the exercise of their abilities which was suddenly afforded them. For a season, indeed, conservative municipalities, stagnating in the torpor of their dull existence, had the folly to resist the invasion of their quiet towns by the steam-engine. For a season, indeed, narrow-minded country gentlemen, trembling for their foxes or for their pheasants, opposed the construction of railways near their own coverts. Interested opposition of this character soon disappeared, because the benefits which the railway conferred on municipalities and country gentlemen outweighed the slight inconveniences which it brought with it; and the very classes, who, at one time, had tried to resist even the approach of the railway, complained if they had no station within easy distance of their own door.

The extension of railways.

It is unnecessary to point out the advantages which resulted from the general construction of railways. They are obvious to the dullest observer who takes the trouble to reflect on the plainest lessons which are to be learned at every railway station. The life and existence of the country is dependent on its railway lines; and the best test of its condition is to be found in the traffic returns of the railways. But there is another benefit, which is perhaps less visible, which the introduction of railways conferred upon the country. Wealth had accumulated rapidly since the conclusion of

the war. But there were few securities in which the moneyed classes could invest their savings. The debt of the nation was decreasing; and the public funds were no longer a very remunerative investment. The canal system was tolerably complete, and did not require the expenditure of any large amount of capital. Agricultural improvements had been arrested by the decreased price of agricultural produce; and there were no other obvious purposes to which an ordinary investor could devote his little savings. Yet the savings went on accumulating, and were ready for any profitable use. The natural result ensued. Financing speculators, with more ability then honesty, came forward to relieve the investors of their superfluous money; and the savings of the nation, pouring into the only available outlets, were wasted in the waters of the ocean or the deserts of South America. It required the crisis of 1825-6 to convince the people of the supreme folly which they had committed. But the sharp lesson, while it taught them prudence, did not teach them how to save. They abstained from investing their savings abroad, but they kept them unproductive at home. Trade, in consequence, stagnated from the prevalent distress; and the labouring classes, suffering from its stagnation, were unable to find employment for their labour. The introduction of railways at once altered this condition of things. The investing classes found a new, safe, and almost illimitable field for the investment of their money; the labouring classes found a new sphere for the employment of their labour; and the country not only derived benefit from the freer circulation which railways produced, but also from the wider employment of labour and capital.[1]

[1] These reflections, of course, apply to the investment of money for the *bonâ fide* purpose of constructing railways. At a later period of our history investments of this character were changed into a feverish speculation in shares. But the 'Railway Mania,' as it was called, was wholly

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These benefits, whatever they were, the country owed to one man. The locomotive was as much the work of Stephenson as the water-frame was the creation of Arkwright or the powerloom of Cartwright. The persevering ability of a self-educated mechanic had solved a problem which had baffled the greatest thinkers of his generation. His invention had conferred far greater benefits on his country than the victories of her foremost general or the legislation of her wisest statesman. At the time at which it became generally known a more humble discovery was gradually attracting universal attention. Fire and light are two of the conditions without which life would not be endurable; but in the remote ages fire and light were only obtained with difficulty. The Greeks believed that Prometheus had stolen from heaven the flame which was the creator of every art. The Romans instituted a special religious order for the express purpose of preventing the flame being ever extinguished. Such expedients may have been necessary when steel was an article of rare luxury, which no one but the wealthy could easily obtain. Such expedients even may not have seemed ridiculous at the commencement of the nineteenth century. Matches, which are, perhaps, the commonest domestic article in use, had not then been invented. Their invention was due to the greater attention which was gradually given to chemical studies. It was found that chlorate of potash, brought into contact with sulphuric acid, burst into flame; and it consequently followed that a piece of wood, tipped with chlorate of potash, could be ignited by being dipped into sulphuric acid. This discovery led to the first match. But the primitive match, thus introduced, was soon improved.

The invention of matches.

distinct from the original movement for the construction of railways, and will be treated separately later on. For the account of Stephenson see Smiles' *Lives of the Engineers*, to which work I am much indebted for the particulars of the great engineer's life.

The sulphuric acid was enclosed in a small glass bead, and attached to the match. The glass was broken by the match being drawn across some rough substance, and the friction match was thus invented. Soon afterwards phosphorus was substituted for the acid. United with the chlorate of potash it exploded with a sharp crackle. Further ingenuity removed this objection, and noiseless matches were introduced. Inventors sometimes give fantastic names to their inventions. The original matches were known as Eupyrions; the improved matches as Prometheans; the crackling matches as Congreves; the noiseless matches as Lucifers or Vestas.

The introduction of matches cannot be compared in importance with the invention of the locomotive. The 'lucifer' merely added to the comfort of the community: the railway endowed it with new life. Both inventions, however, afforded fresh proof of the ingenuity which was at work in the world, and which was continually devising new means for promoting the happiness and the prosperity of its population. Invention, which was continually increasing the power of man, was, in no case, attributable to the statesmen who fancied that they were controlling the destinies of humanity; and Britain, the most prosperous of nations, was prospering, not in consequence of anything that her statesmen were doing to promote her industry, but because, almost for the first time in her history, they had the wisdom to refrain from needless interference with trade.

Reduced expenditure consequent on the peace.

Peace had, in fact, deprived the country gentlemen of their chief excuse for maintaining restrictions on trade. Peace had enabled the Ministry to reduce the military and naval establishments, to diminish the expenditure of the nation, and had consequently destroyed one of the arguments by which the Legislature had justified the continuance of heavy duties. When the census of 1811 was taken 640,500 persons were em-

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ployed in the army and navy. In 1831 the army and navy only accounted for 277,000 of the population. In 1815 the expenditure of the nation, without the Sinking Fund, exceeded 99,000,000*l.* In 1831 it was less than 52,000,000*l.* In 1815 the pressure of taxation amounted to rather more than 4*l.* a head on the entire population. In 1831 it amounted to only a little more than 2*l.* a head. Peace had enabled the Government to diminish expenditure by 48,000,000*l.*, a year, and to reduce, by one-half, the burdens on the people.

Reduced taxation, however, was only one of the results which had proceeded from the Peace. Britain, in 1832 was a happier and a freer country than Britain in 1815. Men were no longer commonly forbidden to serve their country because they happened to dissent from the doctrines of the Established Church. Men were no longer commonly rewarded at the expense of their country because they happened to be related to influential persons. Offices were not granted away before they became vacant; and offices with no duties attached to them had been largely decreased in number. Weak in most respects, Lord Liverpool had displayed firmness in his ecclesiastical appointments, and had risked the displeasure of both supporters and colleagues by declining to confer bishoprics on their relations.[1] Lord Liverpool's example had been generally imitated by his successors; and a feeling had consequently arisen that the highest dignities in the Church could not be properly bestowed on clergymen because they had the good fortune to be well-born or to be well-connected. The man, indeed, who had busied himself with the ordinary duties of his parish was still too frequently neglected; and the claims of mere learning were still too frequently pre-

Decreasing abuse of patronage.

[1] The most signal instance of this was Lord Liverpool's refusal to raise Gerald Wellesley either to the English or the Irish Bench. The correspondence between Lord Liverpool and the Duke of Wellington, &c., on the subject will be found in *Liverpool*, vol. iii. pp. 380–396.

ferred to the claims of parochial work. 'The archmediocrity who governed' England 'sought for the successors of the Apostles among third-rate hunters after syllables.'[1] But it was an immense advance in the history of the Church when learning was preferred to birth. A capacity to edit a Greek Testament or to write a Greek grammar was not the highest qualification for the Bench; but it was a much higher qualification than the accident of high birth or the fortune of a good marriage.[2]

The people were gradually attaching a new meaning to patronage; and ministers, checked by the general expression of opinion, were no longer able to perpetuate offices which had no duties attached to them, or to confer situations, either in the State or in the Church, on individuals whose chief recommendation was a close connexion with a peer. Abuses were no longer tolerated with the equanimity with which they had previously been regarded; and statesmen, accustomed to the old method of government by patronage, were wondering, as sinecure after sinecure was abolished, how the King's Government was to be carried on. There was, however, one branch of the public service in which nearly all the old abuses still continued to flourish unchecked and almost unreproved. The vast majority of the people, fortunately for themselves, had

[1] *Tancred*, chap. iv.

[2] The clergymen promoted to the Bench from 1815 to 1832 were Drs. Legge, Marsh, Van Mildert, Carey, Kaye, Blomfield, Bethell, Jenkinson, Sumner, Lloyd, Percy, Copleston, Sumner (afterwards Archbishop), Ward, Bagot, Gray, Monk, Phillpotts, and Grey. Jenkinson and Grey owed their promotion to their birth. Percy was the son of Lord Beverley and the son-in-law of Manners Sutton; Sumner, the tutor to Lord Conyngham's son; Legge, the son of Lord Dartmouth; Bagot, of Lord Bagot. The names of most of the others are still remembered for their learning or scholastic acquirements. Phillpotts' appointment was the only one which created any great scandal. He was a distinguished Tory pamphleteer and the rector of Stanhope, the richest living in the See of Durham. He was given the See of Exeter, retaining the living *in commendam*. But Wellington went out of office, and Grey refused to allow the arrangement. *Vide Hansard*, Third Series, vol. i. pp. 622, 932; and cf. *Wellington Despatches*, vol. vii. p. 362.

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The abuses in the Law Courts.

no necessity to go to law. They were, in consequence, insensible to the evils which existed in the Law Courts; and many of them even had an indistinct idea that legal proceedings should be discouraged by the State, and consequently made inconvenient and expensive to the suitors. Gross abuses were thus allowed to remain unreformed and almost unnoticed, and lawyers and officials reaped a rich harvest from the unfortunate suitors whom accident or misfortune forced into the Law Courts.

The Common Law Courts.

There were, at the period under review, as there are now, three Superior Courts of Common Law at Westminster; viz., the Court of King's Bench, the Court of Common Pleas, and the Court of Exchequer. The King's Bench, or the King's Court, had originally only cognisance of suits in which the Crown had a direct interest; the Exchequer, as its name implies, had in the first instance only jurisdiction in revenue cases; and an ordinary suit between subject and subject was, therefore, brought into the Court of Common Pleas. By gross fictions the Court of King's Bench and the Court of Exchequer gradually extended their jurisdiction to all cases. The same policy, which had originally induced the Court of King's Bench to extend its jurisdiction, continued to prevail. The Court of Common Pleas narrowed its sphere of work by exacting large fees from the parties who came into it. The Court of Exchequer limited its business by admitting only a select body of attorneys and clerks; while the Court of King's Bench, acting on more liberal principles, gradually absorbed most of the legal business of the country. The natural consequences ensued. The ablest Judges were always placed in the King's Bench; and the Ministry of the day, finding the other courts neglected by the public, occasionally regarded them as convenient havens for the retirement of inefficient barristers, whose

abilities would not have qualified them for the work of the King's Bench.[1]

The Counties Palatine and Wales.

All suits, except those arising in the Counties Palatine of Chester, Durham, and Lancaster, or in the Principality of Wales, had to be tried on records proceeding out of one of the Superior Courts. As the assizes were only held twice a year, and in particular towns, it followed that a case could not be tried except once in each six months and at an assize town.[2] There was something almost ludicrous in the position of the courts which were held from time to time in the Counties Palatine. The most distinguished barristers thought it an honour to be selected for the Chancellorship of Durham. Yet the court was unable to enforce its decrees beyond the narrow limits of the county; and the man who was not possessed of real property within it, and who became the subject of a decree of the court, quietly removed beyond its borders.[3] The system of Welsh judicature was even worse. The Chief Justiceship of Chester was a well-paid office. Its acceptance did not compel its recipient to vacate his seat in Parliament, or even to retire from his practice at the Bar. The same thing was true of the Welsh Judges, and no superannuation allowance was granted to the older men, who consequently retained their situations after their age and their infirmities disqualified them from discharging their duties. The Welsh Judges, moreover, never changed their circuits. They, therefore, enjoyed an intimate acquaintance with the country gentlemen of the neighbourhood and the barristers and solicitors who practised in their courts. Justice was, of course, very imperfectly administered either by an old barrister, who was past his work, or by an active barrister, who was

[1] See Brougham's speech, *Hansard*, New Series, vol. xviii. p. 134. There were 850 untried cases in the King's Bench in 1825, and there were rarely a dozen in the Exchequer. *Ibid.* p. 136.

[2] *Ibid.* Third Series, vol. i. p. 712.

[3] See a case in point, *Romilly*, vol. ii. p. 112.

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engaged in the ordinary business of his profession.[1] Clever attorneys occasionally consulted the Judge in his capacity of counsel before they ventured on introducing the case into his court. On at least one occasion the scandal was made public. 'My lord,' said a Welsh attorney, one day, in the court of a Welsh judge, 'here is your opinion, given to me on such a day, and it is quite contrary to the one now delivered.' The attorney was, of course, reprimanded; but he persisted in his complaint. He thought it very odd that the Judge should take his money one day for one opinion, and the King's money the next day for a different opinion.[2]

Procedure in the Common Law Courts.

Wales and the Counties Palatine had these abuses of their own. The rest of the country, however, had even greater grievances to submit to. It has been already stated that the King's Bench had gradually monopolised the greater portion of the legal business of the country. Most suits were carried into this court; and the ablest barristers usually confined themselves to it. But, in theory, the three Superior Courts were of co-ordinate authority; and a suitor had an equal right to go into any one of them. An ordinary English gentleman, however, who found it necessary to go to law must have been strangely puzzled on the very threshold of his suit by the procedure which it was requisite to adopt. In all three courts the process was different. In all three of them it was unintelligible to the lay mind. Original writs—subdivided into special originals and common originals—attachments of privilege, bills, writs of 'Capias quare clausum fregit,' of 'Venire facias ad respondendum,' of 'Quo minus capias;' sub pœnas 'ad respondendum' and bills of 'Latitat' were some of the antiquated processes by which the attendance of the defendant was ordered, or the attendance

[1] *Hansard*, New Series, vol. xviii. p. 147.

[2] The story is told in *Hansard*, First Series, vol. xl. p 667.

of the defendant who skulked, enforced.[1] The process was so obscure that not one man in every thousand attempted to understand it. Unfortunately, the later steps in an action were sufficiently intelligible. Some one owed some one else a sum of perhaps 10*l.* The unfortunate creditor had the folly to attempt to recover the debt. He brought an action for the purpose, and entered it for the next assizes. The case was, perhaps, entered low down on the list. The assize town was at some distance from the creditor's ordinary abode, and he, his solicitor, and his witnesses were kept waiting from ten to twenty days for a hearing. The witnesses' travelling expenses, at the rate of eighteenpence per mile, had to be paid; their personal expenses, varying from 2*l.* 2*s.* to 5*s.* a day, had to be paid; and the solicitor was also entitled to charge 2*l.* 2*s.* for each day's attendance. It will be easily understood that 50*l.* to 60*l.* might be spent in recovering the 10*l.* It is true that the creditor was nominally entitled to his costs. But the taxed costs never exceeded two-thirds of the actual costs. Under the most favourable circumstances, therefore, the creditor was likely to spend 20*l.* of his own money in recovering 10*l.*

Expense of actions.

It ought, indeed, to be added that certain local courts existed for the special purpose of facilitating the recovery of small debts. There were 240 of these courts—Courts of Request, or Courts of Conscience, as they were usually called. The first of them had been constituted in London, in the reign of Henry VIII., and from time to time others had been instituted in various centres of the population. But the jurisdiction of these courts was very limited. They usually could not enforce their decrees beyond a very narrow area; their constitution gave no one any confidence in their decisions; and they were of more advantage to the

[1] Tomlins's *Law Dictionary, ad verb.* 'Process.'

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individuals who had patent offices in connection with them than to the community at large. A creditor, therefore, who had to recover a debt was practically nearly always compelled to bring his action in one of the Superior Courts; and as a matter of fact, in 1829, the Chief Justice of the King's Bench tried 406 cases relating to sums of less than 20*l.*[1] Every one of the parties to these actions must, on an average, have spent upon them a larger sum than that in dispute. Costs, indeed, to the amount of 100*l.* had been incurred in recovering a debt of 19*l.*[2] The Courts of Law were, nominally, open to every Englishman. But those who had experienced the expense and uncertainty of a lawsuit must have been tempted to add, with Horne Tooke, 'And so is the London Tavern—to those who can pay.'[3]

The system was the more intolerable because a better one had been in force in Scotland for generations. It was the custom of Englishmen, at the commencement of the present century, to look down upon Scotland as a backward country; yet the Scotch were, undoubtedly, in many respects in advance of them. In Scotland a system of land registry, under which the transfer of real property was facilitated, was in force; in Scotland a tolerably efficient elementary school was to be found in every parish; in Scotland an admirable system of local courts administered justice. The Sheriff Depute had jurisdiction in all minor suits, and, on an average, annually decided 22,000 cases.[4] The example of Scotland, therefore, decisively proved that there was no insuperable reason against the constitution of local courts, and that the ludicrous delay, inconvenience, and expense which resulted from the want of them was easily avoidable.

An action in one of the Common Law Courts was then

[1] *Hansard*, Third Series, vol. i. p. 720.
[2] *Ibid.*, vol. xviii. p. 240.
[3] *Edinburgh Review*, vol. xlv. p. 466.
[4] *Hansard*, Third Series, vol. i. p. 725.

an expensive luxury, and the cost of legal proceedings naturally afforded an unfair advantage to the rich man. No one but a rich man could afford the cost inseparable from a lawsuit; and a rich man, if he were dishonest, ran only a small risk in defrauding a poor one. The iniquity of the system could, however, be hardly comprehended by the suitor who had merely the misfortune to become a party to an action. The suitors in Equity had the exceptional opportunity of understanding the full meaning of 'the law's delay.' One of the greatest masters of fiction that the world has yet produced has wound the plot of one of his most pathetic stories round a Chancery suit, and has described—as no other author of the century could have described—the endless anxieties and disappointments of the unfortunate suitors. But the great suit of 'Jarndyce and Jarndyce,' with its eternal ramifications, was conducted in the Court of Chancery after it had been slightly reformed; and the unfortunate individuals who were concerned in that suit had not full experience of the proceedings of an unreformed court.

Equity.

Yet the delays of a Chancery suit were a common proverb in the nation. Everyone probably knew some unfortunate individual, who had grown old and grey, hoping against hope for the termination of a suit in Chancery. Everyone had heard the good story of the old peeress who had insisted on remaining a few minutes in court to see how they set to work to settle her suit which had been eighty-two years in Chancery.[1] Many people had been told of the infant who had grown up to maturity and who had died of a broken heart from being kept out of his property, locked up in Chancery. In every county, in almost every parish, the little children gazed with awe at some house, without a pane of glass in its windows, without a streak of

[1] The story has been frequently told. *Vide, inter alia, Eldon*, vol. iii. p. 404.

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paint on its mouldering woodwork, where the dust was accumulating on the dripping floor, and the weeds were growing in rank luxuriance in the garden, and which, their elders told them, was in Chancery. Even the brutal spectators at a prize fight, when one prize-fighter was at the mercy of his assailant, declared that his head was in Chancery.

Delay, expense, anxiety and remorse were the inevitable consequences of a Chancery suit. Yet for some of the delay, expense, anxiety, and remorse the court could not justly be held responsible. For centuries the Court of Chancery had been presided over by the Chancellor. For centuries the Chancellor and the Master of the Rolls were the only two Judges in Chancery.[1] Yet during the period the business in Chancery had increased enormously. In 1726 the property belonging to the suitors of the Court, which was lodged with the Accountant-General, amounted to less than three-quarters of a million. In 1750 it was less than two millions. In 1780 it exceeded seven millions; in 1800 it had increased to seventeen millions; in 1815 to thirty-two millions; in 1825 to nearly forty millions.[2] It was obvious that the machinery which was adequate for dealing with this fund in 1726 was wholly inadequate in 1825.

The history of an unopposed cause in Chancery.

Increased business, then, to a certain extent excused the delays of the court. But the increase in the business of the court was neither the sole nor the chief reason of the delay which occurred. Delay was, in fact, inseparable from the system which was uniformly pursued. The simplest cause took a dozen years to settle. A testator, for instance, who made his will in 1816 bequeathed certain legacies to various charities. The legacies were contrary to the Statute of Mortmain,

[1] The Court of Exchequer had also an Equity jurisdiction.

[2] *Edinburgh Review*, vol. xlv. p. 466; and *Eldon*, vol. iii. p. 364.

and were void. The exercise of a little common sense would have enabled any court to hand over the property to the legal heirs in a couple of hours. So simple a process, however, would not have satisfied the requirements of Chancery. In 1819, after the testator's death, the heir-at-law filed a Bill in Chancery to have the legacies declared void. In the course of 1820 the trustees of the charities concerned and the trustees and executors of the legatee put in their answers. At the end of 1821 the cause was heard, and referred to one of the Masters in Chancery to find out the heir-at-law. The Master in due course reported; and in 1823 the cause, which in the interval had been set down for further hearing, was referred back to the Master for an account of the property. In 1824 the Master made his second report; in 1825 the case was set down for further directions; and in 1826 it was referred back to the Master to ascertain the children of the testator's half-nephews. In 1828, when the particulars of the case were publicly related in the House of Commons, the Master was still pursuing this enquiry.[1]

The history of an opposed cause in Chancery.

Such was the ordinary course of a case in which there was practically no opposition, and in which there was no room for any doubt. But when a suit was seriously defended its course was far less smooth. The first decree of the Court was usually a reference of the cause to the Master's office for enquiry. Months probably elapsed before the Master reported. Exceptions were commonly taken to the Master's decision. The exceptions were, thereupon, set down for hearing, and the cause for re-hearing. Eighteen months generally passed before the appeal could be heard. The decree upon the appeal frequently directed a fresh reference. The same dreary delay took place before the Master reported. The other party had then an opportunity of

[1] The case will be found in *Hansard*, New Series, vol. xviii. p. 325.

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taking exceptions to the report. The exceptions were set down for hearing; and months, or even sometimes years, elapsed before they came on for argument. The exceptions would, perhaps, be allowed. The other party had then the opportunity of appealing against their allowance. The case would, accordingly, be set down for re-hearing, and, after another year's delay, it might possibly be re-heard. If the judgment in this stage were in favour of the exceptions, a fresh reference was made to the Master's office. Ten years had probably been wasted in settling nothing, and the whole weary business had to be recommenced from the beginning. Fresh decrees had to be pronounced and followed by fresh references. Fresh reports had to lead to fresh appeals and fresh exceptions; and the miserable suitors had to go on vainly watching the progress of a suit, which was always returning to the point from which it had originally started.[1]

The Masters in Chancery.

The wretched system would have been bad enough if the Masters had been paid by salary. Unfortunately, the Masters were paid by fees. There is no reason for supposing that they were not honourable men. On the contrary, many of them were men of the highest character. The vicious system was no creation of theirs; but they could not avoid degradation by it. Paid by fees, it was their direct interest to protract a suit. It was their custom to facilitate a suit by accepting expedition money. Slow under any circumstances, the suit would not move at all unless its progress was accelerated by fees for despatch. It was publicly stated in 1830 that some of the Masters in Chancery enjoyed from 3,000*l.* to 4,000*l.* a year from fees of this character.[2] There was, moreover, no check on the system. The

[1] Authority for the whole of the delays stated in the text will be found in *Hansard*, New Series, vol. xxi. pp. 1277, 1278. Cf. p 1500. *Hansard*, Third Series, vol. vii. p. 705.

[2] *Ibid.*, vol. i. p. 1283; and ii. 955.

fees were paid to the clerks of the Masters by the attorneys engaged in the suit; and it was the duty of these clerks to tax the attorneys' bills.[1] It was not very likely that a public officer would disallow a fee which had passed through his own fingers. The Masters, however, were not the only persons in the court who derived a remunerative income from fees. It was a rule in the Registrar's office of the court that all suitors should have copies of the documents relating to suits. The suitor—who, perhaps, had the original documents—did not require copies. In that case his suit would not even make the slow progress of a suit in Chancery. The officials in the Registrar's office were entitled to charge 6*s.* 8*d.* a folio for a copy, and they were not likely to allow a suit to progress unless they received their perquisite. There was something peculiarly exhilarating in charging 6*s.* 8*d.* for a copy which an ordinary law stationer would gladly do for three farthings. The practice was the more exhilarating from the absurd length to which documents in Chancery commonly extended. In one case 10,497 folios were drawn up in two years.[2]

The Registrar in Chancery.

The multiplication of unnecessary documents in Chancery was encouraged by another practice. The examination of witnesses was conducted after a fashion which had probably no parallel in any other part of the world. The counsel engaged in the suit drew up the questions which he wished the witnesses to be asked; one of the officials of the court, the Examiner, wrote down the answers; and, after the lapse of a considerable period, the answers which were thus given were duly published. After publication the other side naturally desired to put some further questions to the witnesses, and the same tedious formalities were again gone

[1] *Hansard*, Third Series, vol. ii. p. 857.
[2] *Ibid.*, New Series, vol. xvii. p. 253; and Third Series, vol. ii. p. 8

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through.[1] The unfortunate suitor who took the trouble to make himself acquainted with the course of his suit must, amidst these numerous formalities, have ceased to wonder at its slow progress, and have learned to be thankful that it made any progress at all.

The cost of a Chancery suit.

The expense which was inseparable from this complicated procedure was enormous. Attorneys, who paid expedition fees to the officials who taxed their bills, were able to make their own charges without much fear of the consequences. A suitor in a will case presented a petition to the House of Commons in 1831 complaining that his attorney's bill amounted to 7,000*l.* He was advised that he had no remedy except to have the bill taxed, and that the fees for taxing it would cost 1,500*l.* more.[2] This unfortunate suitor had the consolation of reflecting that he was not solitary in his misfortune. A Chancery suit frequently lasted twenty years, and cost 5,000*l.* No respectable practitioner in the Court of Chancery ever recommended a client to insist on a demand for even so considerable a sum as 500*l.* It was understood in the profession that it was wiser to forego a claim of this amount, however well-founded, than to incur the expense, anxiety, and delay of a Chancery suit.[3]

It may, perhaps, be thought that the evils some of which have been described in the last few paragraphs corrected themselves. No one was compelled to commence a suit in Chancery; and the people who complained of the vexatious delays of the court were at any rate at liberty to refrain from applying to it. Unfortunately, however, few people who had any money of their own, or who held any money in trust for other people, could rely on passing through their lives without being concerned in a suit in Chancery. Every executor who was doubtful about the construction of

[1] *Hansard*, Third Series, vol. ii. p. 833. [2] *Ibid.*, Third Series, vol. ix. p. 251.

[3] *Edinburgh Review*, vol. xlv. p. 467.

a will was compelled, in his own defence, to apply to the Court for directions; and, instead of the Court adjudicating on the doubtful point, it was in the habit of insisting on the whole estate being placed in Chancery. Every legatee, when the executor declined to pay over the legacies, had no redress except to file a Bill in Chancery.[1] It was necessary to place the estate of every lunatic in Chancery. It was frequently necessary to place the estate of a minor in Chancery.[2] Any man who owed a hundred pounds might be declared a bankrupt on an affidavit made in his absence, without his knowledge;[3] and the estate of every bankrupt was administered under the supervision of the Court of Chancery.

For a long time this oppressive system had attracted some attention. For a long time the procedure and delays of the highest tribunal in the kingdom had become a by-word. The increase of the population and wealth had necessarily intensified the evils universally complained of. Yet nothing had been done. Few persons, who were unacquainted with the interior economy of the court, had the knowledge which would have enabled them to attempt its reform; and the long list of officials, and the longer list of lawyers, who grew fat on the property of the unfortunate suitors, were not likely to do so. The system, however, became more intolerable than ever after the commencement of the nineteenth century. From 1801 to 1827 Lord Eldon, with one short interval, continuously held the Chancellorship. All Lord Eldon's contemporaries were ready to admit his profound knowledge of law; all of them were ready to defer to his clear and careful opinions. The only Englishman, in fact, who had no confidence in Lord

[1] It was the occasional device—so it was alleged—of dishonest executors to trade on this, and to decline to pay legacies, in the hope that the legatees would hesitate to commence a Chancery suit.

[2] Cf. *ibid.*, New Series, vol., xviii. p. 317.

[3] *Ibid.*, Third Series, vol. ii. p. 931.

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Eldon's judgments was Lord Eldon himself. His scrupulous anxiety to avoid mistake made him hesitate to decide, and he was consequently continually induced to defer his decisions, in order that he might have the opportunity of reconsidering all the facts of the case. Accuracy is, no doubt, one of the most enviable qualities which can be possessed by man. But even accuracy can be purchased at too high a cost. An unfortunate suitor, who had experienced all the delays of a Chancery suit, and whose case was ripe for judgment, would probably have rather risked a possible error on the Chancellor's part than have submitted to an almost indefinite postponement of judgment for the satisfaction of the Chancellor's doubts.

The delays increased by Lord Eldon's doubts,

Lord Eldon's doubts, however, were not the only cause of the increased delays which took place in Chancery. During the long period of his Chancellorship he was one of the most important members of the Cabinet. His colleagues frequently required his presence in Downing Street or the House of Lords, when his duties ought to have confined him to Lincoln's Inn. His political avocations, in other words, interfered with his judicial work, and the whole machinery of the court was reduced to a standstill because the functionary who presided over it combined in his own person the incompatible position of a judge and a minister. One other cause may also be stated for the increased delays of the Court of Chancery. The estates of all the bankrupts in the country were administered under the superintendence of the Court, and the time of the Chancellor was consequently frequently devoted to settling difficult points in bankruptcy. The number of bankruptcies had, of course, largely increased with the increased population, and the Chancellor's days were frequently wholly occupied with this portion of his business.

and by the increased number of bankruptcy cases.

At the commencement of the nineteenth century,

then, various causes conspired to intensify the already intolerable delays of the court. The arrears in Chancery, which were ever accumulating, were brought before the notice of the House of Commons in the session of 1809. Michael Angelo Taylor, who was the first member of Parliament to move in the matter, was a pompous barrister, with a little body and a loud voice, whose private fortune had interfered with his professional advancement and introduced him to a Parliamentary career. Calling himself on one occasion 'a mere chicken in the law,' he was ever afterwards known as 'Chicken Taylor.'[1] His pomposity made him a favourite subject for the humour of the House, and his good temper was never disturbed by the jokes which were often made at his expense. In 1809 Taylor drew attention to the delays in the Court of Chancery. Lord Eldon treated the motion as an attack upon himself, and declared that he would resign his office if anything were done. The threat did its work. The House passed on to other subjects, and for two years nothing more was heard of the delays in the Court of Chancery. In 1811, however, Taylor again drew attention to the subject, moving for a committee of enquiry into the causes of delay. His motion was carried by the Speaker's casting vote;[2] and in 1812 the committee which was thus appointed was renewed. The members of the committee, however, declined to enter on the question of arrears. The House refused to compel them to do so,[3] and the enquiry which had been granted on Taylor's motion proved abortive.

Michael Angelo Taylor attempts the reform of Chancery.

Nothing had come of the committee which Michael Angelo Taylor had obtained. The committee, however, had only failed because the Chancellor himself had an-

[1] *Eldon*, vol. ii. p. 170.
[2] *Romilly*, vol. iii. p. 391; *Chancellors*, vol. viii. p. 271.
[3] *Hansard*, First Series, vol. xxiii. p. 61.

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ticipated its enquiry. Acknowledging that the appeal cases had fallen into arrear, he proposed that the House of Lords should regularly sit three days a week to hear appeals; and that a new Judge should be appointed to conduct the business of the Court of Chancery. This arrangement was carried out in 1813.[1] But the Ministry did not make much use of the new office which they had succeeded in creating. Instead of providing for the arrears in Chancery they converted the Vice-Chancellorship into a haven of retirement for Sir Thomas Plumer, the Attorney-General. Plumer knew 'nothing of the law of real property, nothing of the law of bankruptcy, and nothing of the doctrines peculiar to courts of equity.'[2] But he was in wretched health. He had been a law officer of the Crown for six years, and the Ministry regarded the claims of a colleague as of far more importance than the convenience of the public. Plumer was accordingly made Vice-Chancellor. So far as his health and training permitted he made a useful and anxious Judge. But those who practised before him felt that he was incompetent to discharge the duties of his post, and that a praiseworthy desire to do his duty was a very different thing from a capacity for doing it.[3]

A Vice-Chancellor appointed.

Bad, however, as Plumer's appointment was, the presence of an additional Judge in Chancery necessarily afforded a good deal of relief to expectant suitors. Some of the arrears were gradually worked off, and the complaints which had been annually made of the intolerable delays of the Court became, in consequence, fainter. In 1818 another change was made in the machinery of Chancery. For nearly seventeen years Sir William Grant had discharged the duties of Master

[1] 53 Geo. III. c. 24; and Campbell's *Chancellors*, vol. vii. p. 302.

[2] *Romilly*, vol. iii. p. 102. Twiss (*Eldon*, vol. ii. p. 242) admits that Plumer should not have been appointed.

[3] *Romilly*, vol. iii. p. 225.

of the Rolls with infinite credit to himself, and with advantage to the public. He retired in 1818, and Sir Thomas Plumer was selected to succeed him. For Plumer's place the Ministry selected the Regent's friend, Sir John Leach, the 'busy and insinuating' adviser who instigated the appointment of the Milan Commission. In some respects no appointment could have been better. Leach's mind was essentially quick. His natural disposition to decide rapidly was encouraged by his rivalry with Lord Eldon, and he strove by his own dispatch to ridicule his chief's delay. Reinforced in this manner, the Court of Chancery continued to escape public censure. For ten years no serious attack was made upon it. In 1823, however, the assault which had originally been conducted under the auspices of Michael Angelo Taylor was renewed by a more competent assailant, John Williams. Williams was one of the counsel who had been concerned in the Queen's trial; he subsequently rose to a puisne Judgeship in the Court of King's Bench. Both in 1823 and in 1824 Williams moved for an enquiry into the state of the Court of Chancery. The arguments which he employed in the House were repeated by Denman in the columns of the 'Edinburgh Review,'[1] and the attention of the public was thus forcibly directed to the inconveniences and delays of the existing system. In 1823, indeed, the Ministry, rallying to the support of their Chancellor, succeeded in rejecting Williams's motion by a large majority.[2] But in 1824 they felt themselves unable to resist enquiry, and they met the inconvenient motion by the appointment of a Royal Commission.[3] Keen reformers thought that the constitution of the commission made it a very useless body. At the head of a tribunal, expressly appointed to enquire into the

Williams urges Chancery reform.

[1] Arnould's *Denman*, vol. i. p. 246.

[2] 174 votes to 89. *Hansard*, New Series, vol. ix. p. 794.

[3] *Eldon*, vol. iii. p. 328.

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practices of the Court, were the three Judges who were responsible for its proceedings—Lord Eldon, the Chancellor, who was supposed to occasion most of the delays; Lord Gifford, who had just succeeded Plumer as Master of the Rolls; and Leach, the Vice-Chancellor. This triumvirate was supported by Lord Redesdale, a profound Equity lawyer, but the most conservative of politicians; by Wetherell, the violent Tory lawyer, who had just been made Solicitor-General; and by a dozen other lawyers, most of whose names are less known, and among whom one alone, Lushington, had achieved a reputation as a reformer. Such a tribunal was not likely to accomplish any very large or salutary reforms; and, as a matter of fact, the Commissioners satisfied themselves with doing very little. They thought that the process under which the defendant to an action was subpœnaed to appear might be improved; that the time which was allowed to him to plead or demur might be shortened; that the action might be allowed to proceed without copies being forced on all the parties to it; that the gratuities to the clerks in the Masters' offices might be abolished; and that the six clerks might undertake the duties of taxing costs. But the Commissioners, who reluctantly adopted these moderate recommendations,[1] did not touch the real grievances in the Court of Chancery. They did not recommend the discontinuance of the Masters; they clung to the antiquated practice of taking evidence in writing; they refused to contemplate the separation of the bankruptcy business from the court; they declined to admit the delays which were perceptible to everyone but themselves.[2] Their recommendations were, in consequence,

The Commission of 1824.

[1] Lord Liverpool placed great pressure on Lord Eldon to induce him to report 'without further delay.' *Eldon*, vol. ii. p. 565.

[2] The Report is in *Parliamentary Papers*, session 1826, vol. xv. The passages referred to in the text will be found on pp. 10, 11, 13, 24, 33, and 35.

received with ridicule by the profession and by the public.[a] A Chancery suit, argued the 'Edinburgh Review,' now lasts on an average twenty years, and costs 5,000*l.* If all the recommendations of the Commissioners should be adopted the time may possibly be reduced to nineteen years, the cost to 4,750*l.*[1] It seemed barely possible that all the intellect of the Chancery Bar should have been occupied for two years in devising so feeble a remedy.

The report of the Chancery Commissioners naturally created very little enthusiasm. The Whigs, who desired reform, had not much patience with the recommendations of the Commissioners. The Tories, who wished to leave things as they were, found a fresh excuse for doing so in the lagging spirit of their adversaries. Copley, indeed, who was Attorney-General, introduced a bill to give effect to the recommendations of the Commissioners.[2] But the bill was allowed to slumber unnoticed and unremembered till, two years afterwards, it was reintroduced by its author, as Chancellor.[3] Lyndhurst was no more successful as Chancellor than he had proved as Attorney-General. The Proceedings in Equity Bill was dropped, and Chancery reform was doomed to a fresh postponement.

In the meanwhile, attention was being directed in another quarter to the necessity for law reform. In February 1828 Brougham, rising with all the weight of a successful lawyer and a leading member of the Opposition, described, in a speech of extraordinary ability, the anomalies and absurdities of the Common Law Courts.[4] In the course of it the orator travelled over most of the fields of jurisprudence, and insisted on the numerous defects and abuses which he detected in the system. For

Brougham's motion for law reform.

[1] *Edinburgh Review*, vol. xlv. p. 469.

[2] *Hansard*, New Series, vol. xv. p. 1205.

[3] *Ibid.*, vol. xxi. p. 1274.

[4] *Ibid.*, vol. xviii. p. 127.

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six hours he held his audience enchained by the superiority of his intellect, and the fertility of his illustrations. A contemporary annalist, indeed, dismissed his oration with the reflection that it was not marked by 'much accuracy of detail, profoundness of thought, or soundness of principle.'[1] A cynical biographer declared that 'it would not be justifiable to condemn anyone actually to read it through;'[2] and in his next sentence, by his inexact description of it, proved that he had extended to himself the exemption which he had charitably offered to all others. But the speech which was thus satirised was regarded in a very different light by those to whom it was addressed. The Ministry agreed to issue commissions to enquire into the proceedings of the Common Law Courts and into the state of the law of real property; and Peel introduced a bill for remedying one of the great grievances which Brougham had exposed, and for facilitating the recovery of small debts.[3]

Peel as a law reformer.

Peel did not succeed in passing his measure through Parliament. The numerous officials who were interested in the Courts of Requests opposed a bill which would have interfered with their profits, and the measure was accordingly lost.[4] For nearly two years no serious attempt was made to introduce reform into the Courts of Law. In the course of 1830, however, the Commissions which had been appointed in 1828 duly reported; and Peel, fortified by these reports, again addressed himself to the subject which, during his tenure of the Home Office, he had made peculiarly his own. He succeeded in carrying, during the session,

[1] *Ann. Reg.*, 1828, Hist., p. 110.

[2] Campbell's *Chancellors*, viii. 357.

[3] The first suggestion for the establishment of County Courts was made by Lord Althorp, in 1821. Lord Ellenborough declared that it was not desirable to enable creditors to recover small debts at little cost. But the Lord Ellenborough who made this remarkable declaration was the son of the Lord Chief Justice, not the Lord Chief Justice, as the late Sir D. le Marchant supposed. *Spencer*, p. 192; and cf. pp. 190, 195.

[4] *Hansard*, New Series, vol. xxi. p. 1166.

two important measures of law reform.[1] The first of them was suggested to him by his failure in 1828. The patent officers of the Courts of Requests had, in that year, proved too strong for the minister, and Peel accordingly concluded that the first step towards the reformation of the courts was the regulation of the patent offices. He proposed that the gentlemen holding them should render to the Common Law Commissioners an account of all their receipts during the previous ten years. The Commissioners, on this information, were to certify the value of each office to the Treasury; the fees attaching to the office were in future to be paid into the Exchequer; while the holder of each office was to receive from the Treasury a salary of the same amount as its certified value. In the event of the abolition of the office the holder was to receive as compensation an annuity not exceeding the whole amount, and not less than three-fourths of the amount of its certified value.[2]

Such was the first of the two measures of legal reform which Peel succeeded in passing in 1830. Practically it only substituted a payment by salary for a payment by fees. It did not reduce a single office; it did not effect a single economy; it did not introduce a single reform into the judicial system. Its immediate results were, therefore, small. Its sole importance lay in the facilities which it afforded to future reformers. Reforms could no longer be withstood by the interested exertions of a host of superfluous officers, because an easy and liberal method of compensating them had

[1] It was in this session that Peel also introduced a measure for abolishing capital punishment for the more preventable forgeries. Mackintosh insisted on extending the exemption to every case except the forgery of wills, and carried an amendment to that effect by 151 votes to 138. *Hansard*, New Series, vol. xxv. p. 77. The decision was reversed in the Lords (*ibid.*, p. 856), and the bill was, in consequence, dropped.

[2] The Act is the 11th Geo. IV. and 1st. Wm. IV. c. 58. The sections referred to in the text are the 1st, 6th, 10th, 11th, and 16th.

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been provided by statute; and Parliament could accordingly proceed to deal with the Courts of Judicature without assailing the vested interests of influential placeholders. The second measure which Peel succeeded in carrying during the same session was of a different character. The Welsh Judicature had existed for centuries: every proposal for its removal had been vigorously resisted; but a select committee had been appointed to enquire into it in 1820,[1] and the Common Law Commissioners of 1828 had decided that its continuance was indefensible. In accordance with their recommendation Peel introduced a bill for its abolition, and for adding an additional Judge to each of the three Superior Courts of Westminster. The bill passed through all its stages during the session of 1830 and became law.[2] The Tory party forbore from seriously opposing a measure which, a few years before, its members would have met with strenuous opposition. No one had a word to say in favour of the antiquated system which was thus abandoned; many persons had much to urge against its inconveniences and anomalies; and a new reform of the first importance was thus accomplished under the auspices of the great minister who had already done so much to remedy the graver defects of the Criminal Code and to consolidate the criminal law.

Thus ended Peel's great efforts to reform the system of jurisprudence. Eminently practical in all that he undertook, studiously moderate in all that he proposed, he failed to create any extraordinary enthusiasm for his schemes; but he managed to avoid exciting any

[1] *Ann. Reg.*, 1820, Hist., p. 63.

[2] The Act is the 11th Geo. IV. and 1st Wm. IV. c. 70. Peel's speech, explaining all the reforms of the session, will be found in *Hansard*, New Series, vol. xxii. p. 650. The bill abolishing the Welsh Judicature (the Administration of Justice Bill) was introduced by the Attorney-General (Scarlett). *Ibid.*, vol. xxiii. p. 53. See, for the subsequent debates upon it, *ibid.*, vol. xxiv. pp. 104 and 1172; and vol. xxv. pp. 496 and 1164.

serious opposition to them. He fell; and the question of law reform passed, from his management, into the hands of his opponents. Brougham was a much more comprehensive reformer than Peel. He had no patience for little schemes of acknowledged utility. His restless energy was never satisfied without devising something greater, or attempting something harder, than had previously been suggested. At the commencement of the autumn session of 1830 he introduced into the House of Commons, in concert with Denman and Taylor, a measure for establishing Courts of Local Jurisdiction.[1] Raised almost immediately afterwards to the Woolsack and a peerage, he presented a much more elaborate scheme of reform to the Lords. The reform was embraced in four bills: the first, to regulate the proceedings in the Court of Chancery; the second, to constitute a new court for bankruptcy cases; the third, to institute local courts; the fourth, to establish uniformity of process in the Superior Courts of Common Law. The first and third of these bills were lost; and their author, discouraged by the verdict of his brother peers, failed to persevere with them during his Chancellorship. The second and fourth became law.[2]

Brougham as a law reformer.

The bill for establishing uniformity of process in the Common Law Courts dealt with matters of too technical a nature to be explained at length in a history of this character.[3] It is sufficient to say that it abolished the complicated procedure which has been described on a previous page, and that it directed all

[1] *Hansard*, Third Series, vol. i. p. 359.

[2] For the Local Courts Bill see *Hansard*, Third Series, vol. i. p. 706. Brougham proposed the constitution of courts, much on the model of the present County Courts, having jurisdiction in actions of debt, trespass, and trover under 100*l*. (*vide ibid.*, p. 729). He introduced a similar measure in 1833, and it was thrown out in the Lords (*ibid.*, vol. xix. p. 372). For the details of his Chancery Reform Bill see *Hansard*, Third Series, vol. ii. p. 828; and vol. vii. p. 705.

[3] The Act passed in 1832 was the 2nd and 3rd William IV., c. 39.

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actions to commence with the personal service of a summons on the defendant. The Bankruptcy Bill was a broader measure of reform. Up to 1830 all cases of bankruptcy in the metropolis had to be referred to a commission, comprising five or three commissioners, chosen from one of fourteen lists, kept by the Chancellor. Each list contained five names; the fourteen lists, therefore, contained seventy names. The commissioners were paid by fees. Their average receipts amounted to about 1,000*l.* a year; and their existence enabled the Government to provide seventy lawyers with comfortable situations worth a thousand a year each. Indirectly, moreover, the appointments were even more valuable. Any one of the commissioners was at liberty to practise before any of the lists except his own.[1] Gentlemen who thus held judicial appointments in bankruptcy naturally succeeded in monopolising a large share of bankruptcy business.

Brougham's Bankruptcy Bill terminated this system at a blow. Instead of seventy commissioners he appointed ten judges. The first of them, chosen from the highest ranks of the profession, was made Chief Judge in Bankruptcy. The next three, chosen also from the higher ranks of the profession, had jurisdiction in disputed cases. The six junior judges, or commissioners, had the power of adjudicating where there was no dispute. If a dispute arose a junior judge was entitled to call to his assistance two other juniors or one of the seniors. If the court, which was thus constituted, failed to agree, the case was referred to the decision of the Chief Judge in Bankruptcy. The constitution of the new court, therefore, relieved the Chancellor from the labour of deciding in

[1] See, for all these statements, Brougham's speech, *Hansard*, Third Series, vol. ii. p. 845. It was of this speech that a county member said, 'This is prodigiously fine: Brougham puts one in mind of Demosthenes, or some of those fellows one reads of at school.' (See *Spencer*, p. 289, note.)

bankruptcy cases, and enabled him to devote a greater portion of his time to the ordinary business of the Court of Chancery. The change which was thus proposed was not carried without much debate. Hot-headed Tories like Wetherell, and keen partisans like Sugden, intimately acquainted with Chancery practice, raised every possible objection to the bill. Denman, who had charge of it, as Attorney-General, and who was unacquainted with Chancery proceedings, proved a very unequal match for these assailants. Althorp himself thought that the bill must be abandoned, and it was only after repeated discussions that it became law. The Bill undoubtedly constituted a great improvement on the old system which it replaced. It relieved the Court of Chancery from some of the business which hampered it; it removed the temptations to abuse which the existence of seventy well-paid commissionerships afforded. In other respects, however, it only proved an imperfect measure. The new court made no provision for the local trial of country bankruptcies; and the machinery which it provided for the settlement of disputed cases proved needlessly cumbrous. Vacancies which occurred in the court were left consequently unfilled, and the scheme itself was subsequently cast aside for another reform introduced by another Ministry.[1]

The successive efforts of Peel and Brougham had thus been instrumental in introducing considerable reforms into the Judicature. Peel had abolished the Welsh Judges, and terminated the system of fees in the Common Law Courts. Brougham had simplified and assimilated the procedure in the Superior Courts of

[1] The debates on the Bankruptcy Bill will be found in *Hansard*, vol. vii. pp. 230–255, 495; and vol. viii. pp. 9, 560, 654, 725, 760, 781, 814, 866. For Althorp's opinion of Denman's inefficiency see *Brougham*, vol. iii. p. 128. For Denman's excuse, *Denman*, vol. i. p. 352. For Brougham's original explanation of his measure, *Hansard*, vol. ii. p. 828. The Bankruptcy Act is 1st and 2nd Wm. IV., c. 56.

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Westminster, and had instituted a new tribunal for the decision of cases in bankruptcy. Peel had attempted comparatively little, but had accomplished the greater part of what he had undertaken. Brougham had devised a broader scheme of reform than Peel, but had failed in procuring acceptance for his more important proposals. The reforms which had been thus accomplished were far smaller than the necessity of the case required. The 'great, signal, and striking anomaly'[1] which made the chief of the highest tribunal of the country a member of the Ministry of the day was left unaltered; the 'radical grievance'[2] of suitors in Chancery—the constant oscillation of their suits from the Masters to the Chancellor, and from the Chancellor to the Masters—was unremedied; and no competent courts were established for the speedy decision of small cases of debt. Men who were young in 1832 grew old before two of these three reforms were undertaken. Men who are still young may not possibly survive to see the completion of the third. But, with all their shortcomings, the reforms which were commenced by Peel, and which were supplemented by Brougham, were the first which were attempted in this country for the improvement of the Judicature, and invest with additional interest the period of progress which commenced with the reign of George IV.[3]

[1] The expression is Brougham's. *Hansard*, vol. xiv. p. 1387.

[2] The phrase is Campbell's, in *Chancellors*, vol. viii. p. 387. Campbell, however, goes on to say that in 1832 the abolition of the Masters in Chancery 'would have been considered as preposterous as a bill to abolish the satellites of Jupiter.'

[3] In addition to the reforms which have been related in the text Brougham, in 1832, introduced and carried a bill for the abolition of Chancery sinecures (2 and 3 Wm. IV., c. 111.). He transferred the appeals in ecclesiastical cases from the old Court of Delegates to the Privy Council (c. 92, and *Hansard*, vol. xiv. p. 78), and he laid down new rules for the management of business in Chancery. (*Hansard*, vol. xiv. p. 1384.) In consequence of the abolition of sinecures in Chancery he provided a salary of 14,000*l.* a year, and a retiring pension of 5,000*l.* a year, for the Chancellor. (*Ibid.*, pp. 1018, 1263.) These arrangements became the subject of violent debate.

The Criminal Code.

Important as were the reforms which were thus introduced into the Courts of Common Law and Equity, the alterations which were made in the Criminal Code were equally significant. Throughout his career at the Home Office, Peel was constantly occupied with the work of improving and consolidating the Criminal Code. He found it with the punishment of death prescribed for the gravest and the lightest crimes. He left it with the punishment of death reserved only for the worst offences. Benefit of clergy was, indeed, theoretically offered to every felon not expressly excluded from it; but the Statute Book had excepted almost every felony from the rule. Peel repealed an exception which had practically no meaning,[1] and at the same time terminated the punishment of death for a great many offences. When Peel left office the chief felonies for which death could be inflicted were murder, or attempted murder, rape, forgery, coining, highway robbery, cattle-stealing, arson, burglary, and housebreaking.[2] The change, which had thus been accomplished under the auspices of a single minister, is one of the most memorable reforms in the annals of the British nation. It affords one of the many enduring reasons for which the British people owe a debt of gratitude to Peel. But the change was really due to broader reasons than the wisdom and disposition of a single minister. Men revolted from the horrid punishments which their ancestors had favoured. The pillory had been practically abolished;[3] the stocks had been removed from London; the flogging of women had been forbidden;[4] and the flogging even of soldiers had

[1] See his speech May 18, 1827, *Hansard*, vol. xvii. p. 936.

[2] In housebreaking is also included larceny in a dwelling-house, which, technically, was a different offence. Capital punishment could also be inflicted for sacrilege, letter-stealing, returning from transportation, and some other offences.

[3] It had been abolished in all cases, excepting perjury, by a bill introduced in 1816 by M. A Taylor (*Hansard*, 1st Series vol. xxxii. p. 803.)

[4] *Vide ante*, vol. i. p. 204.

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become the subject of grave discussion. Good men, as well as advanced Radicals, were doubting the propriety of degrading a man for the purpose of preventing him degrading himself.[1]

Cruel punishments were becoming unpopular, and many people were even thinking that the milder Criminal Code which Peel had originated was too severe. In 1832 the Legislature repealed the punishment of death for housebreaking, for horse and sheep stealing, and for coining false money;[2] the House of Commons decided on abolishing capital punishment in all cases of forgery.[3] The Lords, indeed, reduced the value of these reforms. They insisted on retaining death as the punishment for the forgery of wills, of powers of attorney, and of transfers of stock.[4] But these changes only slightly detracted from the significance of the measure which thus became law. The same men were still members of the Upper House of Parliament who had, for session after session, thwarted the wishes of reformers like Romilly Yet the old arguments which had been raised at that time were no longer heard. The horrible Criminal Code, which princes, bishops, and judges were all agreed in supporting in 1822, hardly found a single advocate in 1832.

The kindlier disposition which was thus gradually displaying itself, which was producing a rapid reformation in manners, and which was affecting legislation, was naturally promoted by the continuance of peace. The habitual contemplation of suffering deadens the sensibilities, and the kindest hearts cease to be moved by misfortune when inured to the contemplation of it.

[1] See the debate on June 19, 1832, and the many extracts from a pamphlet, *A Voice from the Ranks.* 'By John Shippe, late a Lieutenant in the 67th Foot.' *Hansard*, vol. xiii. p. 874. In 1833 a motion for the abolition of flogging in the army was lost only by 151 votes to 140. (*Hansard*, vol. xvii. p. 68.)

[2] 2 and 3 Wm. IV., c. 34 and 62; and *Hansard*, vol. xiii. p. 195.

[3] 2 and 3 Wm. IV., c. 123; and *Hansard*, vol. xiv. p. 989.

[4] *Hansard*, vol. xiv. p. 1393.

Humanity had no chance of making many converts when men's minds were full of

> Battles, sieges, fortune . . . .
> Of moving accidents by flood and field,

or while half the civilised world was occupied with inflicting the maximum of suffering on the other half.

Yet, throughout the whole of this period, a kinder feeling was gradually arising. Even the long war, and all the cruel punishments to which the people were accustomed, had not reconciled the best men in the nation to the contemplation of pain in others. Humanity was showing itself in the better treatment of dumb animals; and a certain class was no longer tolerating the constant cruelties daily perpetrated on faithful and inoffensive creatures. Only a hundred years ago the public opinion of the day thought there was nothing horrible in publicly advertising for a wretched horse that had been stolen as 'having sores on his back.'[1] Only fifty years ago the horses in the mail coaches, shifted as they broke down from overwork further and further into the quiet country districts, were mercilessly flogged through the heavy stages till their overtaxed nature sank under the excessive strain laid upon them. Cruelty to a faithful dumb animal was so habitual that it ceased to be shocking; and men fresh from the bullring or the cockpit had no pity for a horse. Yet, throughout the whole period, a few humane men were recognising the rights of even the humblest animals.

Cruelty to animals.

> I'm truly sorry man's dominion
> Has broken Nature's social union,
> An' justifies that ill opinion
> Which makes thee startle
> At me, thy poor, earth-born companion
> An' fellow-mortal.

So Burns could write.

[1] The advertisement, extracted from the *Birmingham Gazette*, will be found in Meteyard's *Wedgwood*, vol. i. p. 267.

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Inhuman man! curse on thy barb'rous art
And blasted be thy murder-aiming eye;
May never pity soothe thee with a sigh,
Nor ever pleasure glad thy cruel heart!

Such was his somewhat exaggerated address to a sportsman who had wounded a hare. 'I was never quite at ease,' wrote Scott in 1825, 'when I had knocked down my blackcock; and, going to pick him up, he cast back his dying eye with a look of reproach.'[1]

He prayeth best who loveth best
All things, both great and small;
For the dear God who loveth us
He made and loveth all,

was the noble appeal of Coleridge for the kinder treatment of animals.

Extracts of this character from the literature of the earlier years of the nineteenth century could be almost indefinitely multiplied. They abundantly testify to the more generous feeling that was gradually growing up among the best members of society. It is true that Byron, in his savage attack on society, satirised Coleridge for singing of the woes of a donkey, just as he mercilessly abused Isaac Walton for fishing with a live frog. But Byron's denunciation of Coleridge's poetry did not blunt the humane tendency, which was one of the most pleasing characteristics of the time. On the contrary, soon after the accession of George IV. an appeal was, for the first time, made to Parliament for the protection of dumb animals. The man who had the merit of originating this appeal was Richard Martin, the member for the county of Galway. Martin was descended from one of the stout-hearted Puritans whom Cromwell quartered on Irish soil. Two hundred thousand acres of the most beautiful part of Galway

Richard Martin.

[1] Lockhart's *Scott*, p. 538.

were allotted to Martin's ancestor. These vast possessions, situated in one of the most inaccessible portions of the United Kingdom, gave the head of the family an almost princely authority among his tenantry and dependents; and recollection of the influence of the Martins is still cherished in a county where the family no longer holds a single acre. Martin, passionately fond of animals himself, was horrified at the habitual cruelty practised towards cattle both in Ireland and England. Like the Wanderer, in the 'Excursion'—

> In his capacious mind he loved them all:
> Their rights acknowledging, he felt for all.

He was old enough to recollect the time when, in his own neighbourhood, the plough had been commonly fastened to the tail of the horse.[1] He could have seen in any street in London wretched horses, with sore backs and galled shoulders, wincing under the strain which their merciless drivers, with whip and spur, put upon them. In 1823 Martin persuaded Parliament to pass a bill to prevent the wanton and cruel ill-treatment of horses and cattle.[2] The bill passed; and Martin desired to supplement it with another, prohibiting bull baiting, dog-fighting, and other cruel sports. The people generally were alarmed at the extremes to which Martin was pushing his views. The prohibition of bull-baiting and dog-fighting seemed to them logically to lead to the prevention of hunting and shooting. Martin was told that the rich should not interfere with the sports of the poor; and he was not even allowed to introduce his bill.[3] In 1824, 1825, and 1826, Martin, undiscouraged by his defeat, renewed his efforts. But in every case he was unsuccessful.[4] The House of Commons steadily

[1] Arthur Young's *Tour in Ireland*, vol. i. pp. 248, 286, 303.

[2] 3 Geo. IV., c. 71.

[3] Leave was refused by 47 votes to 18. *Hansard*, New Series, vol. ix. p. 435.

[4] *Ibid.*, vol. x. pp. 135, 496; xii. 1013; xiii. 1254; and xiv. 652, 1392. It is due to the memory of a great man to add that Lord Erskine had, in 1809, endeavoured to introduce a similar bill. It actually passed the

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declined to listen or attend to Martin's annual advocacy of the cause of dumb animals.

Martin, however, was not discouraged by his Parliamentary failure. The Legislature had, at any rate, interfered to prevent the ill-treatment of horses and cattle. A society was formed in London in 1824 for the prevention of cruelty to animals, and Martin himself remained in town during the autumn of 1825 to take personal steps to prevent the ill-treatment of cattle. His humane efforts were received with ridicule and reproaches. The Court of King's Bench, sharing the views of the country, formally 'decided that bulls were not cattle, and were not therefore included in the Act of 1823.' Martin was denounced by almost every newspaper. He was branded with the nickname, by which he is still best remembered, of 'Cruelty' Martin.[1]

Martin had received but little encouragement either from Parliament or from the press; yet the principles which he was humanely advocating were gradually making way. The majority of the public, indeed, still denied that the lower animals had any rights at all; but a constantly increasing minority was continually asserting that cruelty to a dumb creature deadened the sensibilities; and that the man who commenced life by ill-treating an animal was likely to end his career by a murderous assault on a man. These arguments, it so happened, were subsequently enforced by others of

Lords, two peers alone—Lord Redesdale and Lord Stanhope—opposing it; but was thrown out in the Commons, chiefly through the efforts of Windham. The story is well known of Lord Erskine remonstrating with a fellow for unmercifully thrashing a miserable packhorse, and being met with the answer, 'Why, it 's my own; mayn't I use it as I please?' Lord Erskine applied his own stick to the man's shoulders, replying to his remonstrances in the same words: 'Why, it 's my own; mayn't I use it as I please?' *Eldon*, vol. ii. p. 74; and cf. *Romilly*, vol. ii. p. 287.

[1] The decision of the Court of King's Bench is referred to in *Hansard*, New Series, vol. xix. p. 1121. The furious attack of the press upon Martin will be observed by merely turning over the pages of the various London newspapers of September 1825. The *Chronicle*—the leading Whig newspaper of the day—was foremost in the attack.

a different character. The scenes of brutality which were disclosed by Peel's Police Committee of 1828 did not admit of any alleviating excuses. It was proved that it was a common custom, in the East-end of London, to turn an ox into a street, bait it into madness, and hunt it to death. It was proved that the bear-gardens and cockpits of Western London were the habitual resort of the worst classes of the population. Those politicians, who had laughed at Martin's arguments on the rights of dumb animals, could not close their ears to an appeal for preserving the peace of London. An Act was passed in 1833 which made it illegal to drive any ox or cattle, to bait any bull, bear, badger, or other animal, or to fight cocks, within five miles of Temple Bar. The law which was thus made was two years afterwards extended to the whole country; and the cruel sports in which previous generations had indulged were everywhere put down.[1]

The prohibition of these sports forms, in its way, as remarkable an event in the history of the British nation as the passage of the Reform Bill or the emancipation of the Roman Catholics. It was an evidence of a determination to put down the barbarous customs which had been fashionable in the 'good old times when George the Third was king.' But the sports which were thus prohibited did not all immediately cease. Bull-baiting, indeed, from its nature was capable of immediate sup-

[1] The Act of 1833 was the 3rd & 4th William IV., c. 19. See especially section 28. The clause was introduced by Pease, and opposed by the Government. (*Hansard*, vol. xvii. p. 1067.) The Act of 1835 was the 5th and 6th William IV., c. 59. It may be necessary to remind the present generation that bull-baiting was a different sport from ox-driving. In bull-baiting the bull was secured in the bullring, and dog after dog was sent at him. In ox-driving an ox, perhaps on its road to market, was driven into a side-street and baited by the population till it was killed:

'The frightened beast ran through the town.
All followed: boy and dad,
Bulldog, parson, shopman, clown;
The publicans rushed from the Crown. [down!"
"Halloa! hamstring him! cut him
They drove the poor ox mad.'

Coleridge's *Sibylline Leaves*.

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pression. A public spectacle, in a crowded neighbourhood, in the open air, necessarily attracted the attention of the police. Ox-driving was with more difficulty put down. An ox could at any moment be separated from a herd on its way to market; and, when once the infuriated beast was let loose in a town, the sport could only cease with its capture or death. It required, in some instances, the interference of the military before this brutal practice finally ceased. Cock-fighting, being conducted under cover, in private premises, was stopped with even more difficulty. Men in a high rank of life were not ashamed to ask their friends to what they were pleased to call 'poultry shows;' and a main of cocks was fought almost publicly in London nearly twenty years after cock-fighting had been declared illegal.

Brutal sports had been openly defended in Parliament, on the ground that their suppression would logically lead to the prohibition of shooting and hunting. Afraid of any interference with their own sports, Members of Parliament rallied in defence of the sports of the poor. Their efforts were vain. The Game Laws were reconstituted before even bull-baiting or cattle-driving was put down. Cruel sports were suppressed by a reformed Parliament. The Game Laws were remodelled by an unreformed Legislature.

The Game Laws.

Up to 1831 the Game Laws continued unreformed. No one who was not a qualified person was at liberty to kill game; no one, whether he were qualified or not, was at liberty to sell game. The younger son of a gentleman with 20,000*l.* a year was not qualified to kill game. The king's younger sons, if they did not happen to possess a qualification, were not entitled to kill game; and the most distinguished foreign diplomatists could, under no possibility, go out shooting. There was, indeed, one method by which the law could be evaded. The bad statute of a bad Parliament,[1] which origi-

[1] The obnoxious statute was the 22nd and 23rd Charles II., c. 25.

nated the odious system, enabled lords of the manor not under the degree of esquire to appoint gamekeepers in their respective manors; and the gamekeepers were entitled not only to preserve but also to kill game. Country gentlemen who were desirous of doing a neighbour a good turn were in the habit of giving him a 'deputation' as a gamekeeper; and instances may be found in which even the curate of a parish thus obtained a legal right to go out shooting.[1]

Game, then, could only legally be shot by the limited number of persons who possessed certain qualifications. Game could not legally be sold by any person whatever. The law, when it was originally made, was not, probably, very burdensome. There were no means of rapid transport available, and a perishable commodity like game could not be carried for any long distance. In remote districts people only preserved as much game as they required for their own table; and, so little anxiety had they to increase the number, that pheasants' eggs were considered a favourite food.[2] Improved roads and fast coaches made it possible to convey game long distances. The luxurious habits of a wealthy generation created a demand for game; and, in defiance of the law,[3] game was, in consequence, regularly sold. The sale was encouraged by a further anomaly in the law. A man who sold game was liable to a penalty;

[1] Among the MSS. of the Borlase family, in the possession of Mr. Cornish, of Penzance, is a letter, dated 12th January, 1750-51, from George Borlase to Lieut.-General Onslow, M.P.: 'Mr. Penneck has been with me, times out of number, for a deputacon as gamekeeper; and, as you can appoint but one, and the thing is quite out of my way, I wish you would execute the enclosed, and send me that I may get him enrolled at the Sessions to make him easy.' Mr. Penneck, who thus qualified himself for shooting, was the curate of Penzance!

[2] 'Law, in his *Serious Call*, says of Succus, one of his creations, that he is very loyal. 'Nothing could put rebellious thoughts into his head unless he should live to see a proclamation against eating pheasants' eggs.' Law's Works, vol. iv. p. 200.

[3] Peel, on the 11th March, 1824, said there had not been a conviction for five years for selling game in Bristol, Liverpool, or Glasgow, and only four convictions in Manchester. *Hansard*, New Series, vol. x. p. 915.

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but the man who bought game was liable to no penalty whatever. The distinction was so absurd that an attempt was made, at an early period of the present century, to remove it. A select committee of the House of Commons, in 1816, proposed that game should be the property of the landowner on whose land it was found.[1] Bankes, in 1818, brought in a bill to prevent the purchase of game. The bill was supported by men like Romilly, who objected to the Game Laws, but who objected still more to a legislative distinction between rich and poor. Thus supported the bill became law.[2] An unfortunate householder who bought a brace of partridges for his dinner was thenceforward liable to a penalty of 10*l.*

Such a law could not, by any possibility, remain unquestioned for any lengthened period. Thousands of persons were desirous of buying game. Game was habitually sold; no notice was taken of the constant infraction of the law; and the most respectable classes of the community habitually and openly bought game in defiance, or perhaps in ignorance, of the statute of 1818. Even the most advanced Tories, ready to sacrifice the liberty of the subject for the life of a pheasant, could not be contented with a system which imposed no discouragement on the poacher; Liberal politicians, opposed to harsh and unnecessary laws, were profoundly dissatisfied with it. From 1824 to 1831, when the system was finally terminated, attempts were annually made in Parliament to amend it. Two men, of different opinions, attempted to originate a better code. Stuart Wortley was a Yorkshire magnate, whose moderate views, after he had been raised to the peerage, made him one of the chief leaders of the waverers.

[1] The report will be found in *Ann. Reg.*, 1816, Chron., p. 443.

[2] The Act is 58th Geo. III., c. lxxv. An abstract of the debates on it will be found in *Ann. Reg.*, 1818, Hist., p. 133. Cf. *Romilly*, vol. iii. p. 345.

Lord Salisbury, on the contrary, was a Tory peer, prepared to regard the questions of the day from an exclusively Tory standpoint. Stuart Wortley desired to allow every landlord to permit anyone to shoot on his own land, and to remove the absurd restrictions on the sale of game. Lord Salisbury, on the contrary, proposed to allow qualified persons to sell game to licensed dealers. Stuart Wortley's bill passed the Commons in 1825, and was thrown out in the Lords. Lord Salisbury's alternative passed the Lords in 1828, but was thrown out in the Commons. Years were apparently likely to elapse before these differences were composed, and the Game Laws, a dying relic of the 'good old times,' were formally abolished.[1]

This result might have actually occurred if the subject had not been entrusted to stronger and better management than that of Stuart Wortley and Lord Salisbury. In 1830, Althorp, who had just succeeded to the Chancellorship of the Exchequer and the leadership of the House of Commons, introduced a measure on the subject. A country gentleman, intensely fond of field sports,[2] could enunciate a liberal game code without arousing the suspicions of the country gentlemen. Althorp desired to repeal the absurd qualification which prevented nearly everyone, who was not either a landowner or his heir-apparent, from going out shooting. He wished to upset the absurd law which forbade the sale and purchase of game. Instead of these restrictions he proposed that no one should be allowed to kill game, and that no one should be allowed to sell game, without a license from the Inland Revenue Department. The bill which he thus introduced was lost by the

[1] The debates on Stuart Wortley's bill will be found in *Hansard*, New Series, vol. x. pp. 902, 926; xi. 9; xiii. 453. Those on Lord Salisbury's bill in *ibid.*, vol. xvii. pp. 980, 1302; xviii. 359; and xix. 596. Lord Salisbury's chief opponent was Stuart Wortley, who had been raised to the peerage as Lord Wharncliffe. Lord Wharncliffe introduced his own bill again in 1828. *Ibid.*, vol. xix. p. 1690.

[2] Lord Althorp's love of hunting requires no proof. For his fondness for shooting see, *inter alia*, *Spencer*, p. 147.

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dissolution of 1831. Brought, immediately afterwards, into the new Parliament, time was found amidst the discussions on the Reform Bill to pass it through all its stages in the House of Commons, and to send it to the peers. The peers showed a little more wisdom than Charles X. had displayed a year before. It is said that the King of France, passing a night at Rambouillet, in his flight from Paris, was horrified at his Gardes du Corps scattering through his park and killing his pheasants. 'Ce fut une des plus vives douleurs de Charles X. . . . . Le chasseur se retrouvait presque inconsolable dans le roi résigné.'[1] The peers did not make the same mistake. They were so zealous against Reform that they gave up their game. Intent on defeating the Reform Bill, they did not venture to widen the inevitable breach between the Commons and themselves by rejecting Althorp's bill. The Game Bill in consequence was permitted to become law,[2] and one more remnant of an antiquated system was thus abolished.

The reform of the Game Laws struck a fresh blow at the privileges of the country gentlemen. They could no longer boast that they had the exclusive right to kill game. It so happened that they were deprived of another antiquated privilege at about the same time. They were no longer allowed the exclusive right to defraud their creditors. Romilly had vainly endeavoured to induce the Legislature to subject freehold estates to the payment of simple contract debts;[3] and Althorp, who had the honesty to make a similar proposal, had the mortification to find that even Liberal peers[4] were opposed to the removal of 'one of the few feudal privileges that remained to the landed aristocracy.' The country gentlemen were, in conse-

[1] *L'Histoire de dix Ans*, vol. i. p. 402.

[2] The Act is the 1st and 2nd Wm. IV., c. 32. The debates on it are in *Hansard*, Third Series, vol. ii. pp. 594–601; v. 906; vi. 1063; vii. 129.

[3] *Romilly*, vol. iii. p. 252.

[4] *Spencer*, p. 185.

quence, enabled to retain their singular position for another dozen years. The extraordinary alteration, however, which was gradually effected in the views of politicians proved fatal to the exclusive privileges of the landed classes. In 1830 an Act was passed rendering the inheritor of any property who sold his estate liable to the debts upon it to the full value of the realty which he sold. In 1833 a short Act of a single section subjected real estate to the payment of simple contract debts. Thus one of the first acts of a reformed Legislature was the repeal of an indefensible provision. The landed classes were no longer allowed an exceptional privilege; and the reform which had been rejected when it was proposed by Romilly was carried at the instance of Romilly's son.[1]

Real property made liable to simple contract debts.

Changes of this character naturally altered the position of the landed classes. At the commencement of the century they had stood apart from the rest of their fellow-countrymen, proud of their position, proud of their power, proud of their privileges. A man who was neither a landowner nor related to a landowner could hardly claim to be a gentleman, and could hardly hope to claim admission to the society of gentlemen. Before a third of the century was over the landowner's position was altered; his power was gone, his privileges were abolished. His order had been worsted in the great struggle for existence by other and newer ranks of society; and men like Sir Compton Delaval, with pedigrees as long as a Welshman's, were reluctantly compelled to pretend that they were 'proud to rank' sons of tradespeople, like 'Mr. Avenel, amongst the gentle-

The decreasing power of the landed classes.

[1] The Act of 1830 is the 11th Geo. IV. and 1st William IV., c. 47. It was a complicated statute. The inheritor to the real estate was able to plead 'riens by descent,' and a complicated issue had to be tried before the creditor received anything. (See sections 6 and 7.) The Act of 1833 was the 3rd and 4th William IV., c. 104. It was introduced by Romilly's son, John, the first Lord Romilly. (*Hansard*, vol. xvii. p. 369; and vol. xviii. p. 106.)

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men of the county.'[1] The change which was thus effected was, in its way, as remarkable as the more evident and better known reforms which were accomplished during the same period. It is impossible to understand the political revolution of 1832 without noticing the social revolution which preceded and occasioned it.

The concurrent termination of other monopolies.

It must not, however, be imagined that the landed gentlemen formed the only persons whose privileges were destroyed by the legislation of the first thirty-three years of the nineteenth century. On the contrary, monopolies of every kind and of every character were questioned, and, in some instances, terminated. The Church was compelled to admit Roman Catholics and Dissenters to the offices which her own children had previously monopolised. The trading classes were forced to allow foreign vessels to participate in the advantages of British commerce. Foreign silk and other foreign goods were no longer excluded from British markets. A generation acquainted with the writings of Adam Smith objected to the necessities of the many being sacrificed for the sake of ensuring the prosperity of the few; and the principles of free trade were, in consequence, enforced in almost every rank of life. One of the most curious illustrations of this fact is to be found in the alteration of the dramatic laws. Even in so subsidiary a matter as the regulation of the Stage the growing preference for free trade principles proved too strong for the dying system of protection.

The Drama.

It would be improper to attempt any elaborate history of the British Drama in a work devoted to the annals of the nineteenth century. But it may, perhaps,

[1] See the scene in the 19th chapter of Lytton's *My Novel*. The words in the text are Sir Compton Delaval's own, on proposing Mr. Avenel's health.

be necessary to remind the present generation that, fifty years ago, the legitimate drama could only legally be performed in two theatres in Westminster; and that a little more than a hundred years ago no play could legally be acted in any other town in Great Britain. Monopoly in the drama dates from the bad reign of Charles II. Two theatrical companies were licensed in London soon after the Restoration; but these companies were united in 1682, and became known as The Theatre Royal Drury Lane. For thirteen years Drury Lane was the only theatre in London. In 1695 a patent was granted to a rival company, established originally in Lincoln's Inn Fields, which migrated to Covent Garden in 1733.[1] Other theatres were gradually opened during the eighteenth century. But the patents of the two Royal theatres secured them a monopoly in the representation of the legitimate drama: they were constantly described as 'the houses,' to the exclusion of the minor theatres.

> The town resorts to either house,
> To praise the rival Lears,

wrote the author of the epigram on Garrick.

> Next came the Treasurer of either house,

wrote Churchill, in the 'Rosciad.'

The patents of the two Royal theatres gave them a monopoly in the performance of the legitimate drama. But the Crown was enabled to license other theatres for the performance of 'interludes,' or farces, and other pieces. Restricted from performing the legitimate drama, the minor theatres were necessarily compelled to rely on other sources of attraction. In an age of unbridled license objects of attraction assumed a character which shocked the moral portion of the community. Grossly immoral plays were placed on the

[1] *Encyclopædia Britannica, ad verb.* 'Drama,' vol. vii. p. 434.

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stage, and the profanity and obscenity of the theatre became more and more objectionable. Profanity and obscenity were, perhaps, the natural consequences of the reaction against the severe asceticism on which the Puritans had insisted. But they became possible because, with the reopening of the playhouses, the control which had been previously exercised over them was practically removed. In Tudor and Stuart times a high official in the Court, the Abbot of Misrule—to quote his original name—or the Master of the Revels, as he was ultimately called, was empowered to exercise a complete control over the license of the Stage. After the Restoration the Master of the Revels endeavoured to resume his former authority; but he received no support from the Court. With a short exception in the reign of William III., the players were practically freed from all control; and, in the commencement of George the First's reign, a patent was granted to Steele, Cibber, and Booth which exempted their plays from the revision of any official.

It could not be expected that the sober-minded portion of the nation would tolerate with patience the unrestricted license which disgraced the Stage. Attempts were occasionally made to introduce some sort of control into the theatre. At length, in 1735, Sir John Barnard, a member of character and position, brought a bill into Parliament 'to restrain the number of playhouses for the playing of interludes.' Walpole, who was minister at the time, persuaded the House to engraft a clause on the bill empowering the Lord Chamberlain to license plays, and to exercise the authority of the Master of the Revels. The clause was agreed to; but Barnard, objecting to any increase in the authority of the Chamberlain, withdrew his bill. The theatres were, in consequence, permitted to go on producing their scenes of indecency and profanity without any check being placed on them.

The failure of Parliament to apply any effectual remedy to the license of the Stage encouraged dramatists and actors to persevere in the course which was, unfortunately, filling the theatres. Fielding, in particular, exceeded his other contemporaries in the eagerness with which he ridiculed all that was respectable in society. 'Religion, laws, government, priests, judges, and ministers' were satirised in 'Pasquin'; and the necessity for some control became plainer than ever after this exhibition of unrestricted license. Encouraged by the success of 'Pasquin,' Fielding wrote, and offered to the proprietor of the Goodman's Fields Theatre, a farce called 'The Golden Rump.' 'The Golden Rump' was too plain-spoken even for the then manager of a theatre. The manager of the Goodman's Fields Theatre gave up the manuscript to Walpole. Walpole showed it privately to members on both sides of the House. They promised to co-operate with him in a bill to restrain the license of the Stage, and Walpole accordingly introduced the measure which is known in history as the Playhouse Bill.

The Playhouse Bill is an excellent example of the legislation of the eighteenth century. It is a measure for the regulation of playhouses. But it is called 'An Act to amend an Act for reducing the laws relating to rogues and vagabonds into one Act of Parliament.' In the eighteenth century it was considered a sign of 'prudence' in a minister to throw opposition off its guard by an inaccurate description of a measure. In olden times unlicensed players had been dealt with as rogues and vagabonds. It had only recently been decided that a player who happened to be a householder did not come within the Vagrant Act, and was, therefore, subject to no law whatever. Walpole, therefore, proposed to prohibit all theatrical performances except those which were under letters patent from the

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Crown, or which were licensed by the Lord Chamberlain, and to allow the representation of no new play without the Lord Chamberlain's leave. Persons offending against the first part of the Act who had no legal settlement were to be treated as rogues and vagabonds. Persons who had a legal settlement offending against the first part of the Act, and all persons placing unlicensed plays on the stage, were subjected to a penalty of 50*l.* So far Walpole himself was willing to go. Barnard, reverting to the proposal which he had made two years before, wished to go further. He persuaded the House to add a clause to the bill prohibiting the licensing of any theatre except within the limits of Westminster, or in any place in which the king happened to be residing.[1] Sir John Barnard's amendment completely altered the character of Walpole's measure. Walpole had simply proposed to introduce order and decency into the theatres. Barnard had effectually restricted the number of playhouses. No one who was not within reach of Westminster, or of some place at which the Crown was temporarily residing, had any expectation of seeing a drama. Such a result was barely tolerable in the melancholy atmosphere of Puritan England: it was intolerable to the contented England of the eighteenth century. Edinburgh, Newcastle, Kingston, Bath, York, Liverpool, Manchester, Birmingham, Chester, Margate, and Glasgow all applied to Parliament for leave to open theatres. Many other places, which could not afford the expense of obtaining an Act of Parliament for the purpose, urged in other ways their claims for a similar relaxation of the law. The law was soon relaxed. In 1742 the magistrates

Monopoly in the Drama.

[1] The best short account of the Playhouse Bill is in Coxe's *Sir R. Walpole*, vol. i. pp. 510-518. Cf. Lecky's *History of the Eighteenth Century*, vol. i. p. 538, where there is an interesting account of the Drama. But Mr. Lecky fails to distinguish between the policy of Walpole and Barnard. The Playhouse Bill is 10th Geo. II., c. 28.

were empowered to open any house in the metropolis for dancing, music, or other public entertainment.[1] But the license did not extend to dramatic performances. At last, in 1788, the Legislature authorised the magistrates in quarter sessions to license for limited periods any theatre more than twenty miles from London, or more than eight miles from a licensed theatre, for the performance of plays performed in the two patent theatres in Westminster.[2]

The Act of George II. had closed the theatres. The Act of George III. had partially reopened the country playhouses. In London, however, no such relaxation was allowed. The old theatre in the Haymarket, which had committed the particular offence of placing 'Pasquin' on the stage, was closed; and Londoners who desired to see a play were compelled to choose between the two patent theatres in Drury Lane and Covent Garden. The law, however, which was thus made was never enforced very strictly. The players resorted to many devices for the purpose of evading it. Foote[3] reopened the Haymarket under the pretence of giving tea to his friends.

> Shuter keeps open house at Southwark fair,
> And hopes the friends of humour will be there;
> In Smithfield, Yates prepares the rival treat
> For those who laughter love, instead of meat;
> Foote, at Old House—for even Foote will be,
> In self-conceit, an actor—bribes with tea;
> Which Wilkinson, at second-hand, receives,
> And at the New pours water on the leaves.

Thus dramatic performances in London, except at the patent theatres, could only take place with a Chamberlain's license, and the Chamberlain's license could only

[1] 25 George II., c. 36.

[2] 28 Geo. III., c. 30. But cf. *Rex* v. *Neville*, Barn. & Adolph. Reports, i. 489. The case is inaccurately cited in Tomlins's *Law Dict.* (*ad verb.* 'Playhouses'), as *Rex* v. *Kemble*.

[3] Foote regained his license after an accident which he had the ill-luck or good fortune to experience when hunting. Knight's *London*, vol. v. p. 286.

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authorise the playing of 'burlettas.' An elastic meaning was, indeed, attached to the word 'burlettas.' It was argued that any piece accompanied with music became a burletta; and it was stated that even 'Othello' had been performed, a musician striking occasionally a chord on a piano to keep the performance within the law.[1] The Playhouse Act was, in fact, only tolerable because it was not obeyed. In 1832, however, a very strong probability arose that the law would be enforced. Four years before, the manager of the Cobourg Theatre, in London, was fined 100*l.* for playing 'Richard the Third.'[2] The lessee of a theatre in Manchester was summoned and convicted for playing the 'Barbiere di Seviglia' without a license; and the conviction was confirmed by the Court of King's Bench.[3] About the same time the case of one of the two patent theatres, which was in a bankrupt condition, came before the Court of Chancery; and the Chancellor formally decided that the minor theatres were infringing the patent rights of Drury Lane and Covent Garden.[4] These decisions made it no longer possible to ignore the monopolies of the patent theatres. Everyone, however, who was interested in the drama was desirous of terminating these monopolies. Monopoly had, as usual, failed to effect its real objects; and the stage which had been graced by Garrick and Mrs. Siddons was commonly occupied with jugglers and wild beasts. Everyone, in short, who wished to see Shakespeare acted was compelled by law to go either to Drury Lane or Covent Garden; and the managers of these theatres, instead of preparing a regular play, gave their audiences a couple of lions and a diorama.[5]

[1] *Hansard*, Third Series, vol. xiii. p. 254.
[2] *Ann. Reg.*, 1828, Chron., p. 100.
[3] *Rex* v. *Neville*, Bar. & Adolph., vol. i. p. 489.
[4] *Hansard*, vol. xiii. pp. 248, 253.
[5] *Ibid.*, p. 241; and cf. *Ann. Reg.* 1831, Chron., p. 164.

Such had been the results of a monopoly in the playhouse. Before the session of 1832 was over the monopoly had been attacked by a young man who had already acquired some distinction in the world, and who ultimately obtained a still higher reputation. Edward Lytton Bulwer was the eldest son of General Bulwer. His mother, Miss Lytton, was the heiress to Knebworth, an estate in Hertfordshire. Bulwer was born in 1805, and displayed a precocious ability which induced him to turn author in his teens. His first ambitious work, after he attained years of discretion, was not successful. The morals of 'Falkland,' as the book was called, did not commend it to sober-minded people. The book was forgotten; and Bulwer, recovering from his disappointment, threw himself into 'Pelham.' 'Pelham' is by no means the best of its author's works. But its faults are essentially the faults into which it is only natural for a very clever and precocious young author to fall. Its characters do not talk the language of ordinary society, or read the books which are read by ordinary men. Vincent rolls on the sofa with 'Plato' instead of a novel in his hand; criticises Schlegel, refers approvingly to 'Mimnermus,' compares Byron with the oracle of Dodona, and anticipates for himself the career of Halifax.[1] It is easy to excuse the bewildered 'reader' who, after glancing at such extravagant dialogue, condemned the book. But the extravagances of 'Pelham,' and even the tone of indifference to morality which pervades it, were compensated by the skill with which its characters were portrayed, and the brilliancy of its narrative. 'Pelham' rapidly gained the favour of the reading public, and Edward Bulwer found himself a lion in society. It was natural for a clever young man to seek, and obtain, admission into the unreformed House of Commons. It was equally natural for the author of 'Pelham' to desire

Edward Lytton Bulwer.

[1] *Pelham*, chap. xliii.

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to connect himself with the Liberal or Whig party. Edward Bulwer was introduced to the Whig leaders, and, at the general election of 1831, became the Whig member for St Ives. In 1832, speaking almost as a new member, he attacked the monopolies of the patent theatres.[1]

Bulwer had the satisfaction of carrying his point. Stout Tories, indeed, like Wetherell, still clung desperately to the dying system of protection, and resisted a motion which assailed the prerogatives of the Crown and the monopolies of patentees. But Wetherell's arguments obtained little support in the enthusiastic House of Commons elected under the auspices of Lord Grey. A select committee was appointed on Bulwer's motion,[2] and agreed, before the close of the session, on a report. The committee thought[3] that the monopolies of Drury Lane and Covent Garden had 'neither preserved the dignity of the drama' nor 'been of direct advantage' to the monopolists themselves. The number of playhouses, in the committee's opinion, should depend on the demand for theatrical entertainments, and the principle of free trade should be introduced into the department of the Lord Chamberlain.

Some years elapsed before the report of the committee was acted on.[4] Parliament, in the interval, had other work to accomplish than the regulation of playhouses. But the committee's report, nevertheless, forms a remarkable proof of the change which was gradually occurring in the public opinion of the day. The increasing distrust for monopolies, and the growing preference for free trade, were affecting the playhouses, just as they had already affected the position of country

[1] *Hansard*, vol. xiii. p. 239.
[2] *Ibid.*, vol. xiii. p. 259.
[3] *Ann. Reg.*, 1832, Chron., p. 294.
[4] The bill which Bulwer himself introduced to give effect to it (*Hansard*, vol. xvi. p. 561) was thrown out in the Lords (*ibid.*, vol. xx. p. 277), and again in 1834 (*ibid.*, vol. xxiv. p. 912).

gentlemen. The same influences were slowly undermining the supremacy of the Church. Liberal men were, indeed, vainly urging in Parliament the moral right of the Jews to a share in political power;[1] but the City was, at last, awakening to the force of the claim which the Legislature refused. The richest man in London was a Jew; the richest man in Paris was the brother of the richest man in London; and Cæsar in Vienna was making Jews Barons of the Empire.[2] The House of Commons might close its door to the Jews. The House of Lords might still devise new expedients for excluding the Jews from office and influence.[3] But great corporations could no longer ignore the existence of a race who could control the money market or create a commercial crisis. In 1785 an intolerant Court of Aldermen had decided that even Jews who had adopted the principles of Christianity should not be admitted to the freedom of the City. The rule which was thus laid down was followed for more than forty years; and, during the whole of that period, even converted Jews were excluded from the rights of citizenship. At last, in 1828, the City realised the intolerance and the folly of its proceeding, and agreed to admit baptised Jews to the privileges of citizenship.[4] It is, perhaps, worth while to observe that this decision—the first approach to a better and more liberal system—was formed in the same year in which the House of Lords, while relieving Dissenters from their disabilities, imposed a fresh disability upon the Jews.

Monopolies in religion. The Jews.

The Christianised Jew had succeeded in securing for himself the rights of a citizen. And the claims of the Jews were not lost sight of. The Parliamentary struggle for their emancipation will be related in a later chapter.

[1] See *Hansard*, vol. xvii. p. 205; and for Macaulay's maiden speech, Trevelyan's *Macaulay*, vol. i. p. 159.

[2] See Eva's argument, in *Tancred*, book iii., ch. iv.

[3] *Ante*, vol. ii. p. 475

[4] *Annual Register*, 1828, Chron., p. 27.

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In this place it is sufficient to state that in 1832 a Jew, for the first time in British history, was called to the Bar; that in 1836 a Jew was elected Governor of Christ's Hospital; and that in 1837 one of the Sheriffs of London was able to remark that his predecessor as well as his successor in office had both been Jews.[1] The Jew was thus admitted to some of the privileges in which previous generations had confirmed the children of the Established Church. The Church, in its turn, was losing some of the advantages which had previously been conferred on it. In Canada, for instance, the Church in 1791 succeeded in securing a grant of one-seventh of all the settled land. Three millions of acres were allotted to her under this grant. But the prodigal concession, which almost ruined the colony, proved of very little service to the Church. The dead hand fell with a crushing weight on the Province; and, with a few exceptions, the 'clergy reserves,' as the Church lands were called, remained wild and uncultivated.[2] The Church had in consequence to look elsewhere for her sustenance, and the expense of the ecclesiastical establishment in Canada was defrayed out of the revenues of the United Kingdom. Even Tory ministers, however, seem to have faintly realised the injustice of taxing the Irish Roman Catholic and the Scotch Presbyterian for the support of the bishops and clergy of the Church of England, and to have taken steps to conceal a grant which they were determined to maintain. By a misappropriation which, in another class of life, would have been regarded as a fraud, the cost of the Church Establishment in Canada was defrayed out of the vote for army extraordinaries. Lord Grey's Ministry declined to continue a system which was as mean as it was unjustifiable, and the whole

The Church in Canada.

[1] *Hansard*, vol. xxxix. p. 510. Stanley's *Arnold*, vol. ii. p. 23.

[2] See Lord Durham's *Report on Canada*, Parliamentary Papers, 1839, vol. xvii. p. 77.

cost of the Church Establishment was transferred to the miscellaneous estimates. A distinct pledge was, however, given that, as the clergymen died off, their places should not be filled up, and that the colony should, in future, provide for its own spiritual necessities. The decision provoked the warm remonstrances of staunch Tories like Goulburn. They had seen no harm in misappropriating money for the sake of the Church. They were alarmed at the discontinuance of a grant which had only been obtained by a fraud. The supposed interests of religion have frequently tempted good and upright men to the commission of dishonourable acts. But this truth never received a clearer illustration than in the application of money voted for the army to the purposes of a sectarian Church.[1]

By the termination of this arrangement Lord Grey's Ministry struck a fresh blow at monopolies. The Church in Canada was deprived of the assistance which it had received out of the Army Estimates, and was forced partly to depend for the support of its own establishments on the contributions of its children. The Church was being gradually deprived of the privileges which she had hitherto exclusively enjoyed, and, as a matter of course, was no longer permitted to appropriate to her own uses money voted by the Legislature for military purposes. There was, however, another body which enjoyed even greater privileges than the Church. The eleven hundred noblemen and gentlemen who composed the two Houses of Parliament had advantages which were shared by no other members of the community. In 1832 a member of Parliament could not be arrested for debt; a member of Parliament might set the authority of the Ecclesiastical Courts at defiance. It may be necessary, in the present generation, to explain the consequences of these privileges.

Privileges in Parliament.

[1] The debate will be found in *Hansard*, Third Series, vol. xiv. p. 564; and cf. Parl. Papers, 1836, vol. xxxix. p. 257.

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Up to 1770 a member of Parliament had not only enjoyed immunity from arrest, but his own goods, as well as those of his servants, had been free from distress.[1] These exemptions had naturally led to abuse. The law was accordingly altered. The privileges of a member were not allowed to extend either to his servant or to his property, and personal freedom from arrest was the only exemption which was left to him. Freedom from arrest was, however, a matter of no small importance. Any debtor who was not in Parliament was alone liable to arrest. A member of the Legislature was exempted from the law. In a reformed Parliament his exemption would not have involved much serious inconvenience. Seats in Parliament could not be purchased by the highest bidder, and an insolvent could not, consequently, command a place in the House of Commons. But, in the unreformed House of Commons, any person who had the assurance to do so could purchase a seat; he might turn insolvent the day after his election and save himself from arrest. In that event he could leave the country at his leisure, and then vacate the seat which he had temporarily occupied. There was not even much expense attending this course. The seat which the debtor purchased was usually saleable for the sum which he had given for it; and the debtor had, therefore, only to sacrifice the interest on a few thousand pounds for a few weeks. Such a method of evading a creditor,[2] incredible as it may seem, was so common that mention of it hardly excited surprise. In 1820, however, the ingenuity of an insolvent turned it to an account for which even an unreformed Legislature was unprepared. A debtor, lying in the Fleet, with debts amounting to 7,600*l.*, was elected for Beverley. His election opened his

Freedom from arrest.

[1] May's *Const. History*, vol. i. p. 447.

[2] *Hansard*, Third Series, vol. iii. p. 1060.

prison-doors, when, instead of repairing to his Parliamentary duties, he departed from the country.[1] The anecdote (which has, perhaps, been entirely forgotten) is worth reviving, as an instructive commentary on the system which was destroyed for ever by the Reform Bill of 1832.

The passage of the Reform Bill made it virtually impossible for a bankrupt merchant to escape his creditors by purchasing a seat in Parliament. But there was another privilege which members of Parliament enjoyed, and of which the passage of the Reform Bill alone would not have deprived them. The Ecclesiastical Courts had jurisdiction in cases of probate and divorce. But the Ecclesiastical Courts had no power to enforce their decrees against a member of the Legislature. If a man died and left a charge on his estate in favour of his second son, his elder son, if he were in Parliament, might refuse to produce the will. If a member of Parliament were condemned to pay the costs of a suit before the courts he could refuse to pay them.[2] The good sense of Lords and Commons had, however, hitherto rendered the privilege meaningless. In 1832 the intemperance of an ill-advised nobleman made it a reality. Lord Westmeath had the misfortune to quarrel with his wife. Like many other quarrelsome people, Lord and Lady Westmeath had not the prudence to compose their differences at home. Arbitration was attempted; but the arbitrators failed to terminate the quarrel. A suit was commenced in the Court of Arches. It was carried from the Court of Arches to the High Court of Delegates; and, if Lord Westmeath had been allowed his way, it would have

Costs in the Ecclesiastical Courts.

[1] *Hansard*, Third Series, vol. x. p. 330. It will be recollected that Stapylton Toad vacated his seat for Mounteney in favour of 'Augustus Clay, who was so involved that the only way to keep him out of the House of Correction was to get him into the House of Commons.'—*Vivian Grey*, book ii. ch. xv.

[2] *Ibid.*, vol. xiv. p. 142.

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been carried to a Commission of Review. The High Court of Delegates, however, refused Lord Westmeath's request, and condemned him to pay the costs of the suit. Lord Westmeath, however, in addition to losing his suit, had by this time lost his temper; and, falling back on his privileges as a peer, declined to pay a farthing of his costs. It was in vain that Brougham advised him to settle the dispute. Lord Westmeath was too angry to take advice. Brougham, foiled in his purpose, introduced a bill to take away the singular privilege which members of Parliament possessed, of defying the Ecclesiastical Courts; and, notwithstanding Lord Westmeath's opposition, the bill became law.[1]

The contrast between the England of 1815 and 1832.

The passage of this bill testifies to the change which was gradually being introduced into the views of English public men. Only seventeen years had passed since the close of the war; only ten years had passed since the death of Londonderry; and the England of 1832 was hardly comparable with the England of 1815. It is not too much to say that, in 1815, legislation had been directed to secure the advantage of a class. In 1832 legislation was directed to secure the greatest happiness of the greatest number. In the interval the sinecures which had been maintained for the benefit of the upper classes had been abolished; learning, instead of birth, had become the usual passport to the Bench; public officers had been required to do their own duties instead of discharging them by deputies; and useless offices, maintained as convenient provisions for the

[1] The Act is 2nd and 3rd Wm. IV., c. 93. For the debates on it see *Hansard*, vol. xiv. pp. 141, 207, 1128. To complete the singular story it may be added that Lady Westmeath was assigned an alimony of 700*l.* a year. Lord Westmeath appealed against this decree, and the Vice-Chancellor reduced the alimony to 315*l.*, on the ground that Lady Westmeath was in receipt of a pension on the Civil List of 385*l.* a year. His wife's pension, therefore, saved Lord Westmeath a yearly charge of 385*l.* After the Queen's accession O'Connell attacked this pension, on the ground that it rewarded Lord Westmeath for behaving with cruelty towards his wife. But the Whig ministers refused to interfere with vested rights, and the pension was continued. See *Hansard*, vol. xliv. p. 1015.

younger children of politicians, had been abolished. The disabilities, which had affected whole classes of the population in 1815 had been swept away. The doors of St. Stephen's had been opened to the Roman Catholic; every office had been opened to the Dissenter; the citizenship of London had been conferred on a baptised Jew. A few thousand persons were no longer permitted to monopolise the political power of the State. The franchise had been entrusted to the great middle class in the boroughs: it had been extended to occupiers in counties. Owners of rotten boroughs had been obliged to submit to the destruction of their property, since the greatest happiness of the greatest number required that it should be destroyed. The same principle had interfered with the privileges of Parliament and the privileges of landowners. Members of Parliament were no longer allowed to set the Ecclesiastical Courts at defiance; landowners were no longer allowed a statutory right to defraud their creditors; they were no longer allowed to retain the exclusive privilege of killing game. The same principle, introduced into commercial legislation, had modified the Navigation Laws, had reformed the Commercial Code, and had recast the laws of labour. The same principles, carried into the Foreign Office, had taught Canning to resist autocracy and to support the cause of struggling nationalities. The same principle, extended to the unfortunate, the outcast, and the criminal, had relieved the Criminal Code of its harsher features, and had abolished cruel punishments. The same principle, carried into the Law Courts, had led to the first real measures of law reform. The maxims taught by Adam Smith and Bentham had sunk into the hearts of the rising generation, and had revolutionised the principles on which Parliamentary government in Britain had been previously conducted.

There were, however, two important respects in

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which the country had reaped no advantages. While every other class was becoming better off the condition of the labouring poor was becoming more and more hopeless. While every other portion of the country was becoming wealthier and happier Ireland alone was the constant scene of misery and disturbance. To the labourer the precepts of economists and reformers had brought no gain. On the Irishman they had conferred the solitary advantage of a Roman Catholic representative in Parliament. In every other respect the Irishman and the labourer had nothing to look forward to. Miserably poor, miserably dependent, crushed by the load of the day, without hope of a brighter future, they brooded over their wretched lot, from which there was no prospect of relief.

Exceptions from the universal progress.

For many years the condition of the labouring classes in Britain had been growing more and more intolerable. The old conditions of labour had been changed, and the labourer had suffered from the change. Before the latter half of the eighteenth century the great mass of the labouring poor had been scattered throughout the country, owing an almost feudal allegiance to, and deriving some corresponding advantages from, the neighbouring landlord. But the discoveries of the eighteenth century terminated these conditions. The manufacturing industries of the country were collected into a few great centres, and the persons employed in these manufactures necessarily accompanied them. In one sense they had their reward: the manufacturers gave them better wages than the farmer, and better wages were of no slight advantage to the labourer. In another sense their change of occupation brought them nothing but evil. Forced to dwell in a crowded alley, occupying at night-time a house constructed in neglect of every known sanitary law, employed in the daytime in an unhealthy atmosphere, and frequently on a

The labouring poor.

The manufacturing poor.

dangerous occupation, with no education available for his children, with no reasonable recreation to cheer his leisure, with the blue sky of heaven shrouded from his view by the smoke of an adjoining factory, with the rich face of Nature hidden from him by a brick wall, neglected by an overworked clergyman, regarded as a mere machine by an avaricious employer, the factory operative naturally turned to the only places where relaxation was possible, and sought in the public-house, the prize-ring, or the cockpit the degrading amusements which were the business of his leisure.

Such a life, under any circumstances, would have been sufficiently miserable. It became much more miserable after the war. The trade of England passed through successive periods of alternate prosperity and reverses. The labourers experienced alternate seasons of high wages and scanty work. At one time there was hardly any limit to the demand for their labour; at another time many of them were literally unable to earn sixpence a day. Fifty years before the labourer in his distress would have turned to the adjacent landlord; and the landlord, with true feudal magnificence, would have originated some new improvement in his property, the completion of which would have employed every able-bodied man in the parish. But the town operative had no landlord to apply to; he had no alternative but to submit to the irremediable hardships of his inevitable lot, and to hope against hope for a better day. Ignorant, neglected, oppressed, he was tempted to listen to an agitator, who told him that his bread was taxed to swell the income of the country gentleman; or to break the machinery of his employer which he fancied was depriving him of his wages. Such was the lot of the manufacturing poor who were working for wages. The awful distress, however, which the poor were suffering could not be appreciated by anyone who had

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not investigated the condition of the unfortunate weavers, who were still endeavouring to maintain themselves, with the help of their handlooms. In 1797 these men had usually earned 26*s.* or 27*s.* a week. The utmost that they could obtain by their toil in 1832 was a penny an hour. Yet they still clung to the looms which, in other times, had given them an honourable independence. It was publicly stated in 1833 that 41,000 persons in a small district in Lancashire were subsisting on twopence a day. For these men there seemed no hope. Day by day they sank deeper into the mire which was involving them in irremediable poverty.[1]

The rural poor

It so happened that, while the condition of the town operative was gradually becoming more and more wretched, the position of the country labourer was also changing for the worse. The old feudal ties which had hitherto connected the squire with his peasantry were being gradually loosened by the teachings of political economy. Improved agriculture and the introduction of machinery into farming were also altering the economy of rural districts. In the eighteenth century there were few large farms, there were comparatively few large fields; the corn was reaped by hand; the winters were passed in threshing it out by the flail; and the farmers had consequently work for their labourers at every season of the year. Threshing machines altered this condition. They deprived the labourers of the demand which had previously existed for their work in the winter; and the farmers, in consequence, altered their system of hiring, and engaged the men, whom they had previously taken for a year, by the week. It so happened, too, that the vast reclamations of waste land which were made during the war

[1] *Hansard*, vol. xv. pp. 532, 540. The distress extended to France. In 1831 the rate of wages at Lyons was fixed at seven sous (3½*d.*) a day. The masters rejected this rate as 'unjust.' The workmen, they said, 'S'étaient créé des besoins factices.'—*L'Histoire de dix ans*, vol. iii. p. 58.

pressed severely on the labouring poor. The common, on which every cottager had kept his cow, was annexed to the huge estate of the adjoining landlord, and the labourer found himself compelled to give up the beast which he had no longer the means to support. In many cases enclosures deprived the rural labourers of much more than their cow. They had been permitted, when the land was supposed to be worthless, to erect a little building on one side of the common, and to convert the patch of ground around it into a garden. In the eye of the law these men were squatters: they had no title to the cottage which they had erected or to the ground which they had reclaimed. The good of the country required the reclamation of wastes, and the little garden in the middle of the common came within the new fence-line of the rich squire. The cottage was demolished, the garden was ploughed up, and the cottager sank, at one blow, from the position of a small farmer, with a little house of his own, into that of a lodger at another cottage, whose sole source of livelihood was the wage which he received for his labour.

The enclosures had been the indirect means of occasioning a considerable injury to the poor. But the Legislature, when it sanctioned them, had not foreseen the injury; on the contrary, it was universally imagined that the additional land which was brought into cultivation would increase the demand for labour, and so produce a permanent benefit to the labouring classes. The result, however, did not justify these expectations. The better wages which the labouring classes in a few instances received for a time were a poor compensation for the cow, the pig, and the goose which they were no longer able to keep. 'Before the enclosures,' said a labourer to Arthur Young, 'I had a good garden, kept two cows, and was getting on. Now I cannot keep so much as a goose, and am poor and

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wretched.'[1] In a short time, moreover, the miserable labourers were deprived of the solitary advantage which increased wages had given them. The prospect of additional work led to early marriages, and to a consequent multiplication of their numbers. The peace, and the lower prices which succeeded it, did away with the new work and added to the number of labourers. Arable land was thrown into pasture; paid-off soldiers and sailors returned to their parishes; and the rate of wages fell and fell continually. Dazzled by the prospect of increasing the food of the people, the Legislature had enabled the landowners to plough up the common, and to throw down the humble enclosure of the cottager. The common was again turned into pasture; but it was supporting the squire's beasts, and not the peasant's. The peasant had seen his garden seized, his cottage demolished, his cow sold, his family impoverished, but the land growing no more corn, and receiving no more culture than before. The cry which Isaiah had raised 2,000 years before came home to the miserable labourer, and was repeated by the most eloquent, though not the wisest, of his advocates in Parliament: 'Woe unto them that join house to house, that lay field to field, till there be no place, that they may be placed alone in the midst of the earth.'

Such were the causes of the universal distress which the labourers were experiencing. A century before rich country gentlemen like Squire Hazledean would have put down the hounds, and have drained all the lowlands in the park into a great lake, and thus given work to every able-bodied man in the parish.[2] Many persons acquainted with the country seats of England can point to some ornamental water in their own neighbourhood or to some broad and perhaps not very neces-

[1] Quoted in *Hansard*, Third Series, vol. viii. p. 517.
[2] *My Novel*, book iii. chap. xxviii.

sary road which had its origin in a noble sacrifice of this description. But after the conclusion of the great war few country gentlemen had either the means or the inclination to attempt improvements of this character. The universal fall in prices, which was one of the first consequences of the peace, had reduced the rentrolls of the landlords, and had deprived them of the means, even if they had retained the will, of supporting their humble fellow-villagers. But another measure, generally adopted during the few preceding years, had effectually terminated the old feudal relations between the landlord and the cottagers who lived upon his estate. The parishes, unable to ignore the insufficiency of the wages of the labouring classes, had adopted the extraordinary expedient of supplementing their wages out of the poor rate. In most parishes the contribution which was thus made was proportioned to the size of the labourer's family, and a direct inducement was accordingly afforded to every labourer to contract an early and improvident marriage. This extraordinary system produced three miserable results. In the first place, it terminated the friendly relations between the landlord and his tenantry, the squire naturally refusing to do anything for a labourer who could obtain assistance from the parish. In the next place, it led to a vast and unnatural addition to the rural population; and consequently, in the third place, it effectually prevented any rise in the value of unskilled labour. Under such a system it was inevitable that nearly every labourer should become a pauper; and pauperism ceased to be disgraceful when the most industrious were unable to avoid it.

Parish aid.

The contribution paid by the parish in aid of wages was granted so regularly that the labourers were able to insist on it as their due. Two able-bodied labourers in Essex actually applied, in 1830, to the magistrates and asked them to compel the overseer to supply them

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with help from the parish. The overseer did not attempt to resist their claim. He merely objected that the farmer who was employing them was paying his labourers lower wages than other agriculturists, and therefore casting an unfair burden on the parish. The bench gravely suggested that the parish should raise the assessment of the stingy farmer, and thus compel him to pay in rates the sum which he ought to have paid in wages.[1] The worthy justices who arrived at this wonderfully complicated decision do not seem to have been in the least aware of the extraordinary character of the whole arrangement. The anomalies which the Poor Law produced were, in fact, so great that the apportionment of each agriculturist's rates to the wages which he paid was hardly worth mentioning. Many worse expedients were adopted to relieve the labourers. A parish, for instance, could free itself from the obligation of maintaining a female pauper by marrying her to a pauper in another parish. It was the constant habit of some parishes to portion off the old women who were chargeable upon them in this way. A parish thought it a very cheap thing to get rid of a drunken woman or a prostitute by giving her a marriage portion of two or three pounds; and there was usually some pauper to be found who would undertake the cares of matrimony for the sake of this sum.[2] The parish paid the money, not to reduce the aggregate poor-rate, but to shift a portion of the burden on the ratepayers of another parish.

The consequences of a vicious system.

Such a system naturally tended to increase the numbers of the people, and to pauperise the population. It is remarkable that it should have been generally adopted at the time when Malthus was explaining the principles which regulate the multiplication of man. The unreasoning hostility with which Malthus's con-

[1] *Ann. Reg.*, 1830, Chron., p. 72.
[2] For an instance of this see *Ann. Reg.*, 1828, Chron., p. 136.

clusions were, in the first instance, assailed, prevented much attention being paid to his writings. But the lamentable results which followed the rejection of his advice convinced even the country gentlemen of the folly of their own course. In the middle of the eighteenth century three-quarters of a million had proved sufficient for the poor rate and the county rate. In 1832 more than 7,000,000*l.* was expended on the relief of the poor in England and Wales alone.[1] The maintenance of the poor threw an annual charge of 10*s.* on every man, woman, and child of the population. There is reason for believing that one person in every seven in England and Wales was a pauper.

These figures were probably only known to a comparatively small section of the country gentlemen. But every country gentleman was intimately acquainted with the constant increase of the poor rate in his own neighbourhood. The landlords could no longer overlook the consequences of a redundant population in their own villages. The miserable devices, to which they themselves had resorted, for ensuring a plentiful supply of cheap labour had pauperised the population and made the rates an insupportable burden. Their own views had been proved erroneous; and, with the natural readiness of men to pass from one extreme to another, they hastily adopted the extreme views of political economists. Intent on endeavouring to decrease the number of able-bodied labourers the landlord attempted to reduce the population of his own village. Armed with a good reason for a bad action, the squire threw down the old cottages wherever an opportunity occurred for doing so, and declined to replace them with better dwellings; the rural labourers were consequently compelled to submit to the most inadequate accommodation.[2]

[1] Porter's *Progress of the Nation*, p. 88.

[2] Sadler said in the House of Commons that the inhabited houses

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Country gentlemen, trembling at the increasing rates, which were diminishing their rentrolls, were thus endeavouring to limit the numbers of the people by depriving them of house-room. Parochial authorities, equally alarmed at the consequences which had ensued from their own mismanagement, were striving to discourage pauperism by acts of cruelty to the pauper. An able-bodied man who applied for relief was, in some cases, sold by auction to any employer who was ready to offer a few pence a day for his services.[1] In other parishes he was insulted by an order to carry stones of a certain size three miles backwards and forwards twice a day.[2] Neither insult nor cruelty had any appreciable effect in diminishing the constantly increasing weight of pauperism. The labourers, seeing no hope of relief, were induced to take part in the organised disturbances which formed a remarkable feature in the domestic history of England. Even the penalty which the law attached to riot and arson lost half its terror to a starving working-man.

Allotments.

A few good men, indeed, were not satisfied with the wretched expedients almost universally adopted for stamping out pauperism. Early in the century a country gentleman in Gloucestershire, with a large estate, and a charity as warm as it was wise, decided on offering the poor in his neighbourhood small plots of arable land not exceeding an acre in extent, and forfeitable on 'any gross breach of any moral or political law.'[3] The experiment was attended with the most gratifying success. During the eight years which followed it no labourer who obtained an allotment 'received a far-

in Suffolk decreased from 47,537 in 1690 to 42,773 in 1831, though the population of the county had largely increased. (*Hansard*, vol. viii. p. 517.)

[1] *Ibid.*, p. 501.

[2] *Ibid.*, p. 523.

[3] The quotations in the text are from a MS. letter of Mr. T. Estcourt in the *Perceval Papers*. Mr. Estcourt's example was quoted and praised in the House of Commons. See Sadler's speech, *Hansard*, Third Series, vol. viii. pp. 498, 529.

thing from the poor rate.' The poor rate in the neighbourhood was largely reduced, and the charitable individual who instituted the system had the gratification of seeing other landlords follow his excellent example. Such was the first origin of the allotments which may now be seen in almost every part of the kingdom. Their extension in 1830 might possibly have materially alleviated the hardships which the working classes were compelled at that time to endure. The majority of the landlords were not, however, prepared to let small parcels of land, at a low rent, to the cottagers around them; and the system which had been originated in Gloucestershire only slowly made its way to other parts of the country. The landlords depended on other measures for the relief of the distress, and for the alleviation of their own burdens.

Emigration.

There was one method by which a redundant population could be removed which was gradually attracting attention. The flag of England waved in every quarter of the globe, but it waved in general over an uninhabited territory. The vast possessions which Britain had acquired had few English settlers, and the native still wandered without let or hindrance over the rich pasture-lands of Australia and New Zealand. To one portion of Australia, indeed, the country was in the habit of carrying shiploads of its criminals; but transportation necessarily invested the colony with a bad name, and honest working men hesitated to embark for a territory which the British Government was apparently reserving for felons. Emigration was, in short, unpopular; but various causes were tending to deprive it of its unpopularity. Improved means of locomotion were tempting people to travel, and travellers were constantly dilating on the wealth and resources of the 'Greater Britains' situated in the other hemi-

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sphere. Manufacturers, ever anxious for new markets for their wares; statesmen, desirous of relieving themselves of a redundant population; labourers, vainly looking at home for a fair day's wage for a fair day's labour, were all turning to the vast unoccupied regions of the British empire as a possible means of extricating themselves from their difficulties. Year after year a constantly increasing number of bold persons left the shores of the mother country to seek their fortunes in another hemisphere. Their example soon found other imitators, and emigration assumed increased proportions. Only 2,081 emigrants left the country in 1815; 103,313 persons emigrated in 1832.[1]

Emigration, during the intervening period, had occasionally been assisted by the Government. In 1819 the Ministry had procured a vote of 50,000*l.* to assist a few hundred labourers to the Cape of Good Hope. In 1823, in 1825, and in 1827 they obtained similar grants for the purpose of promoting emigration to Canada The experiments which were thus made were on the whole successful. The expense of emigration, it was found, did not exceed 20*l.* a head, and good accounts were received from Canada of the comfort and prosperity of the new settlers.[2] These results encouraged the Ministry in 1826 to attempt some more systematic scheme of emigration. The time was particularly appropriate for such an effort. The terrible financial crisis of the preceding autumn had left its mark on every class of society; and the Ministry had, therefore, an additional reason for desiring to organise some means of relieving the poorer classes. There had recently been

[1] Emigration was at its minimum in 1815. The emigration of 1832 was more than double that of any previous year. Porter's *Progress of the Nation*, p. 126; and *Encycl. Brit., ad verb.* 'Emigration.'

[2] See Wilmot Horton's speech, March 14, 1826 (*Hansard*, New Series, vol. xiv. p. 1360). The vote of 1819 does not seem to have been included in the Appropriation Act till 1821, when it was merged in a larger grant of 86,760*l.*

appointed to a subordinate situation in the Colonial Office Wilmot Horton, the eldest son of Sir Robert Wilmot and his wife, the widow of Captain and daughter of Admiral Byron. Wilmot had married a Miss Horton, and had assumed her name, in 1823. He had been elected for Newcastle-under-Lyme in 1818; had since served with credit as Governor of Ceylon; and, after his return to England, had been made Under-Secretary for the Colonies. Wilmot Horton, like most of the younger men introduced into the Liverpool Administration, was disposed to incline to the generous views of Canning and Huskisson. His deficiencies as a speaker[1] were compensated by the undoubted administrative abilities[2] which he was known to possess, and the warm interest which he took in everything that related to the welfare of the labouring classes. Early in 1826 Wilmot Horton proposed the appointment of a select committee to consider the whole question of emigration. The committee was appointed, and with its appointment emigration became a subject of national importance.

Wilmot Horton's committee made a preliminary report in the session of 1826. A new committee, appointed in the succeeding Parliament, made three reports in the session of 1827.[3] The first of these reports merely affirmed the general principle that 'private or local contribution ought to form the basis of any system of emigration to which it may be expedient for the committee to recommend any assistance from the national funds.' The second report, applying

[1] See *Greville*, vol. ii. p. 97.

[2] There is a short memoir of Wilmot Horton in the *Ann. Reg.*, 1841, Chron., p. 204. On Canning's promotion to the Treasury, Horton's advancement was expected. (*Colchester*, vol. iii. p. 486.) He ultimately retired from office in 1828 (*ibid.*, vol. iii. p. 507), declining to serve under Wellington.

[3] The reports are in Parliamentary Papers, sess. 1827, Nos. 88, 237, and 550. The second and third reports will be found in the *Ann. Reg.*, 1827, Chron., p. 382.

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this general principle, proposed that the Government should supplement a grant of 25,000*l.*, which the Manufacturers' Relief Committee was willing to make, with a contribution of 50,000*l.* The two sums, the committee thought, would provide for the removal of 1,200 families, or 6,000 or 7,000 persons, to North America.[1] The third report entered elaborately into the whole subject, and proposed that large sums of money should be advanced to intending emigrants out of the Consolidated Fund, to be repaid by the emigrants during the succeeding thirty years. The committee also proposed that a board should be established in London, with agents in different parts of the country, for the regulation of the emigration.[2] The reports which were thus made had the effect of directing further attention to the whole subject. But the recommendations of the committee did not meet with much favour. Prudent statesmen doubted the propriety of advancing large sums of money to paupers; they doubted the possibility of obtaining repayment for a loan from a creditor in a distant country. However much they respected Wilmot Horton's motives, they hesitated to risk an expenditure of more than a million on his suggested experiment.

Something, however, it was necessary to do. Country gentlemen, pointing to their diminished rentrolls; labourers, vainly asking for work; parochial authorities, dismayed at the load of pauperism for which it was necessary to provide—all required some remedy for their misfortunes. The Ministry, forced to do something, sent out an officer to Canada to enquire into the circumstances of former emigrants. Enquiry of this character formed only a cold answer to the prayers of starving millions; and, in 1828, Wilmot Horton

[1] For the recommendation see report, pp. 4, 5.
[2] See the third report, p. 33.

attempted to give effect to the recommendations of his own committee. In 1828, however, Horton no longer spoke with the authority of office. Some months before he had retired from the Ministry, and rose, therefore, as an independent member. In this capacity he introduced two measures. The more important of the two enabled the parochial authorities to mortgage the poor rates for the purpose of raising loans for the assistance of intending emigrants. It was lost in 1828; and, though it was re-introduced in 1830, it never became law.[1] The less important bill regulated the conveyance of the wretched emigrants who filled the merchant vessels which transported them to America. The unfortunate individuals who were seeking a home in the new world were frequently exposed to the miseries and dangers of the slave ship. The vessel, perhaps imperfectly constructed for the purpose, was commonly overcrowded. Insufficient food was provided for an Atlantic voyage. No pains were taken to prevent unhealthy or diseased persons from coming on board, and no medical aid was afforded to the emigrants. One ship, the 'James,' which carried 160 Irish to Canada, gained especially an unenviable notoriety. All the 160 passengers, and all the crew, were attacked with typhus. Five of the emigrants died on board, and thirty-five were too ill to leave the port at which they disembarked. The people of Halifax, where they landed, caught the fever, and one out of every nine persons in the town was struck down by it.[2] These facts made it obvious that, if emigration were to continue, some steps must be taken to regulate the vessels engaged in it. Parliament assented to the Act which Wilmot Horton

[1] For this bill see *Hansard*, New Series, vol. xviii. p. 1547; and cf. vol. xix. p. 1501, and vol. xxv. p. 367.

[2] *Hansard*, New Series, vol. xviii. p. 962.

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introduced with this object.[1] Some years afterwards it supplemented this measure and gave effect to one of the recommendations of the Emigration Committee, by establishing an Emigration Board in London. These measures made emigration a little more easy than before, and annually relieved the mother country of some 75,000 redundant mouths.[2]

The emigration which thus began, compares unfavourably with the mighty movement which took place some twenty years afterwards. But emigration in 1832 had far greater terrors for the emigrant than it possessed in 1852. The man in 1832 who made up his mind to seek his fortunes in Australasia placed an almost immeasurable distance between himself and those whom he left behind. The poorest labourer suffering the pangs of starvation felt that between his country and him a deep gulf was thenceforward to be fixed :—

> On England's shore I saw a pensive band,
> With sails unfurl'd for earth's remotest strand,
> Like children, parting from a mother, shed
> Tears for the home that could not yield them bread.

Every year which passed, however, altered this condition. Every year brought Australasia for all practical purposes nearer and nearer to the old home. Every year made the mighty future of the new world more and more evident. The same poet who had described the emigrants in despondency lived to prepare for them their song of triumph :—

> Cheer up, cheer up ! our course we'll keep
> With dauntless heart and hand ;
> And when we've plough'd the mighty deep
> We'll plough a smiling land.

[1] The Act is 9th Geo. IV., c. 21. Hume, much to his discredit, opposed it. (*Hansard*, New Series, vol. xviii. p. 962.)

[2] Porter's *Progress of the Nation*, p. 126. Lord Howick, as Under-Secretary for the Colonies, introduced an Emigration Bill in 1831 ; it was lost from the dissolution. (*Hansard*, Third Series, vol. ii. p. 875.)

Britannia's pride is in our hearts,
Her blood is in our veins;
We'll girdle earth with British arts,
Like Ariel's magic chains.

The sun which was shining in another hemisphere was affording a ray of hope to the downcast labourer at home. The condition of Ireland was so miserable that even emigration seemed powerless to improve it. The distress which was visible in the rural districts of England was even more universal in Ireland. One-fifth of the entire population was supposed, in 1830, to be out of employment. The labouring classes were, in consequence, in the severest distress; and the landlords were taking every opportunity of relieving their estates from the incubus of a redundant population by ejecting their unhappy tenantry. The peasants, forced from their miserable cabins, either crossed the sea to England seeking the work which could only in rare instances be afforded to them, or flocked into the towns. Seven of these wretched families were occasionally crowded into one small apartment. 'In these abodes of misery' disease was almost certain to appear. Disease proved rapidly fatal to a people deprived of every comfort, and even of many necessaries of life; and the unfortunate Irish fell speedily victims to the fever which universally waits upon want.[1] No organised means existed for their support. The principle of a Poor Law had not been extended to Ireland; and the starving peasants, deprived of all legal methods of relief,[2] were forced to depend on the charity of those who were a little less necessitous than themselves. Charity, indeed, was nobly practised by the middle classes of the Irish. Struggling farmers

Ireland.

[1] See Dr. Doyle's evidence, select committee on Irish Poor 1830, question 4384; and report, p. 2.

[2] There were twelve Houses of Industry in all Ireland, but there was no establishment of this kind in all Ulster and Connaught. They were houses established for the punishment of the refractory, rather than for the relief of the needy poor. They were very badly managed. (Report, 1830, pp. 30, 33.)

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and small tradesmen, themselves hardly raised above the pressure of immediate want, regularly divided a portion of their scanty income among their poorer neighbours. Their generous self-sacrifice saved millions of their wretched fellow-countrymen from perishing of hunger. The rich Irish landlord (frequently an absentee) took no steps to relieve his miserable tenantry. The burden of their poverty fell with crushing weight on the middle classes of society.

The misery which prevailed in Ireland was, of course, intensified by every addition to the population. Few new sources of employment were open to the labouring poor; and the poor were multiplying their numbers in defiance of every principle of the laws of population. The land, divided and subdivided among miserable cottiers, was exhausted by a long continuance of improvident husbandry,[1] and was no longer capable of yielding the scanty crops which, in previous years, had barely supported the cottier and his family. Nothing but the wholesale removal of the Irish poor could, apparently, remedy the disease from which Ireland was suffering, and the best friends of the Irish warmly advocated the emigration of the people.[2] Emigration, however, was even more difficult to accomplish in Ireland than in Great Britain. The people, wedded to the soil, disliked the notion of removing from it. The absentee proprietor, spending his last farthing in London, was unwilling to contribute to the expense of their removal, and no machinery existed for raising adequate funds for the purpose. Fifty years ago sixty pounds were required to remove a single poor family from Britain

[1] Anyone who visits Ireland now will see that some of the land, which has once been cultivated by the peasantry, has not yet recovered its fertility. The best land, in parts of Connaught, is the stony land which it did not even pay an Irish cottier to cultivate, but which, when the stones are removed from it, yields now fair pasture.

[2] Report, 1830, p. 49.

and to settle them in Canada.[1] At this rate a sum of thirty millions would have been barely sufficient to remove the redundant Irish poor. Under such circumstances it seemed hopeless to expect that emigration would ever exert an appreciable effect on the overstocked labour market of Ireland.

There was, then, a close resemblance between the origin of the distress in Great Britain and its origin in Ireland. In both countries, the supply of labour exceeded the demand for it. In England the excess was due to the introduction of machinery and to the conversion of arable land into pasture; in Ireland it was mainly attributable to the minute subdivision of the soil. In England the miseries of the poor were aggravated by the follies of those who administered the Poor Law; in Ireland the starving peasantry had not even the opportunity of appealing to an improvident poor rate. In Great Britain distress had led to riot and agitation; in Ireland riot and agitation were chronic disorders which were merely aggravated by want. It happened, too, that an unfortunate decision of the House of Commons increased the probability of disturbance in Ireland. O'Connell, refused his seat for Clare, had signalised his fresh election by announcing his determination to effect the repeal of the Union.[2] Such a threat, coming from O'Connell, was sufficiently formidable. Its author, within a few months, showed his determination to enforce it. The Catholic Association had been suppressed: a new association, 'The Friends of Ireland of all Religious Persuasions,' was formed by O'Connell. The Lord Lieutenant, armed with the powers of the Act of 1829, prohibited the meeting of 'the Friends of Ireland.' An Anti-Union Association was immediately formed by O'Connell.[3] The Lord Lieutenant

O'Connell's new agitation in 1830.

[1] For this estimate see third report of Emigration Committee, 1827, p. 22.

[2] See *ante*, vol. ii. p. 624.

[3] *Ann. Reg.*, 1830, Hist., p. 148

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was absent in England; but Sir H. Hardinge, who had replaced Leveson Gower as Irish Secretary,[1] at once prohibited the meetings of the Anti-Union Association. O'Connell, on the following day, proposed the formation of an 'Association of Irish Volunteers.'[2]

A formidable contest had thus fairly commenced between the Irish Government on the one side and O'Connell on the other. O'Connell was not in the habit of measuring his words when he was engaged in a struggle with an opponent. He exhausted a vocabulary of abuse in denouncing Hardinge. 'In the beginning of this week,' he said, 'you saw an English soldier, a hireling scribe, at the Castle, writing down the freedom of our country. . . . I arraign that paltry, contemptible little English soldier that had the audacity to put his pitiful and contemptible name to an atrocious Polignac proclamation. . . . A wretched English scribe (a chance child of fortune and of war), urged on by his paltry, pitiful lawyerlings, puts his vile name to his paltry proclamation putting down free men. . . . My blood boils when I see a wretched English scribe dare, in the face of heaven, to trample down the people of Ireland with his iron heel.' Furious language of this character would have come more naturally from an angry fishwife than from a reasonable statesman. It certainly cast more contempt on the orator who used it than on the soldier to whom it was applied. Twenty years afterwards Hardinge would probably have declined to distinguish it by his notice. It was less easy, however, to pass over insolence in 1830 than it would have been in 1850. Only a little more than a year had passed since Hardinge had himself accompanied the Prime Minister on his memorable duel with Lord Winchilsea. The Chief

[1] They had exchanged offices in August 1830. Oddly enough, Miss Martineau dubs Sir H. Hardinge Viceroy. (*Hist. of the Peace*, vol. ii. p. 7.)

[2] *Ann. Reg.*, 1830, Chron., pp. 174, 175.

Secretary for Ireland could hardly decline a danger which the Prime Minister had encountered; and Hardinge accordingly sent a friend to O'Connell to ask him whether he avowed the language which he was reported to have used; and if so to demand 'the remedy which one gentleman has a right to expect from another.' O'Connell disavowed the expressions 'a chance child of war' and 'a hireling scribe,' and declared that the rest of the speech had reference only to Hardinge's 'public capacity, as an instrument of despotism.' Fighting a duel, however, was a bad way to prove that Hardinge was right or O'Connell wrong; and the agitator, in consequence, refused to fight.[1]

Hardinge's challenge to O'Connell is the single incident for which his tenure of the Chief Secretaryship is recollected. A few weeks afterwards events in England necessitated his retirement from the Government. The Wellington Ministry fell; and Hardinge, who had the opportunity of retaining office under the Whigs,[2] naturally preferred to retire with his old friend and chief. Grey replaced the retiring Viceroy, the Duke of Northumberland, with Lord Anglesey; Hardinge with Edward Stanley. Anglesey, it will be recollected, was no stranger to the cares of Dublin. Differences with Wellington, in the autumn of 1828, had necessitated his removal; but the causes which had led to his supersession then suggested his reappointment in 1830. The man who was selected for his principal adviser was the most brilliant of the rising politicians who were at the disposal of the new minister. Heir to one of the oldest English earldoms, heir also to a considerable Irish estate, with eloquence of the highest order, with abilities of first-rate excellence; sympathising with Liberal opinions, animated by the purest motives, Stanley promised to rise to the most prominent position in the

Anglesey and Edward Stanley, Viceroy and Chief Secretary.

[1] *Ann. Reg.*, 1830, Chron., pp. 176, 178.

[2] *Spencer*, p. 230.

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ranks of his party, and to discharge the duties of his Chief Secretaryship with exceptional credit. His admirers in 1830 imagined that the fertility of his genius compensated for the deficiency of his knowledge. They failed to anticipate the full consequences of his fiery temper.

The formation of a Whig Ministry afforded an opportunity for conciliating Ireland. The Irish Administration had necessarily to be remodelled, and room, it was thought, might be found in the new Government for some of the agitators who were disquieting their country. 'To buy O'Connell at any price' was the programme which prudent bystanders considered should be pursued.[1] O'Connell, indeed, loudly protested that he asked no favour for himself. But he was not the only prominent lawyer who proclaimed his own disinterestedness. Brougham's example sufficiently proved the worth of such declarations; and there was no reason for supposing that O'Connell was less ambitious than Brougham. Nearly forty years before Lord Fitzwilliam had flattered the Irish by inducing Grattan to enter the Irish Ministry. The remedy which had been applicable to the great patriot seemed equally applicable to the great agitator. Unfortunately for Ireland, the new Viceroy thought otherwise. He invited O'Connell to a conference at London; but he told him that he had decided on retaining the law officers of Wellington's Administration in power. In one sense the decision was natural. Joy and Doherty—the Attorney and Solicitor General—had been law officers during Anglesey's previous Viceroyalty, and it was reasonable that he should, therefore, desire to retain his old friends in their situations. In another sense the decision was the most unfortunate at which Lord Anglesey could have arrived. O'Connell, at once, indignantly declared that

O'Connell dissatisfied with the Whigs.

[1] *Greville*, vol. ii. p. 77.

the proceeding would array 'the whole Catholic community' against the Government.[1] The first act of the new Irish Viceroy threatened to estrange from him three men out of every four in Ireland.

Few men have the opportunity of repairing an error of this character—Lord Anglesey might have repaired it within a fortnight. The Government determined on replacing Sir Anthony Hart, the Irish Chancellor, with the most brilliant of Irish lawyers, Plunket. Plunket's promotion to the Chancellorship caused a vacancy in the Court of Common Pleas. O'Connell was supposed to look with longing eyes at this dignified situation; but Anglesey, repeating his former error, filled it with Doherty. The appointment increased the breach between O'Connell and the unlucky Viceroy.[2] But it again afforded Anglesey an opportunity of extricating himself from his dilemma. Doherty's promotion vacated the Solicitor-Generalship; Joy retired, and Anglesey had the chance of regaining the favour which he had wilfully thrown away by a wise selection of new law officers. With almost incredible folly he offered the Attorney-Generalship to Pennefather, a Tory; and, on Pennefather's refusal, conferred it on Blackburne, another Tory. It would have been difficult to have selected an abler lawyer or a more honourable man, but it would also have been difficult to have made a more offensive selection. Blackburne was chiefly known from his presidency over the Special Commission which crushed Limerick and Clare into order in 1823. He had conducted the prosecution against Shea's murderers.[3] These services properly commended him to Lord Anglesey's notice; but they were not, unfortunately, of a character to make him popular in Ireland.

[1] *Melbourne*, vol. i. p. 356; and *Spencer*, vol. i. p. 263. Doherty had been opposed to O'Connell on the Cork Special Commission; and O'Connell had brought Doherty's conduct on that occasion before Parliament. See O'Flanagan's *Sketches of the Irish Bar*, pp. 196, 197.

[2] *Melbourne*, vol. i. p. 357; and cf. *Blackburne*, p. 66.

[3] *Blackburne*, pp. 37, 52.

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Lord Anglesey did not make the mistake of selecting another Tory for the Solicitor-Generalship. Crampton, who was selected for that office, was a Whig,[1] but he was a Protestant and a cipher. The Government had deliberately passed over the ablest lawyers at the Irish Bar; and the inference was irresistible that their claims had been ignored on account either of their politics or of their religion. Such a decision, coming from a Whig Ministry, could not fail to increase the agitation for repeal. Every Roman Catholic in Ireland was almost openly told that he had no chance of advancement from a British Government. Every Repealer in Ireland was equally plainly assured that his personal interests would be ignored till the Union was repealed. O'Connell at once took up the challenge which Lord Anglesey had thrown down and declared war against the new Ministry. In opposition to his advice Lord Anglesey was received at Kingstown with some ceremony. But the cheers which awaited the Viceroy were soon forgotten amidst the enthusiasm aroused by O'Connell's own triumphant entry into Dublin.[2]

O'Connell's conduct in 1831.

War had practically been declared between the Viceroy and O'Connell, and both of the parties to the warfare busily made their preparations for the campaign—the one in his Viceregal lodge, surrounded by his advisers, with all the resources of the British Government at his disposal; the other in his house in Merrion Square, overburdened with debt, but with nine-tenths of the population of the most excitable city in the world anxiously awaiting his orders. Active operations soon began. The tradesmen of Dublin determined on marching in procession through the

[1] *Blackburne*, p. 65. Mr. Blackburne throws the blame of these appointments on Lord Grey; but Lord Anglesey was solely responsible for them. *Spencer*, p. 262; *Melbourne*, vol. i. p. 356.

[2] *Greville*, vol. ii. p. 98.

streets of their city on the 27th of December, and on presenting an address of thanks to O'Connell for his exertions. Lord Anglesey issued a proclamation forbidding the procession. The managers of the proposed meeting, instead of obeying the Viceroy, waited on O'Connell to know what they should do. O'Connell advised them to obey the law. The Viceroy had prohibited the meeting: the Dublin tradesmen must obey the Viceroy. They must, accordingly, abstain from meeting on the 27th of December. But a body of 1,600 of them might meet on the 28th, might decorate themselves with orange and green scarves, might march round the statue of William III., might give three cheers for Ireland, and proceed with the address to Merrion Square. His advice was, of course, adopted. The larger procession, which had been announced for the 27th, was abandoned for a small demonstration on the 28th. The law was technically obeyed; but all Ireland saw that obedience was paid to O'Connell, and not to the Viceroy.[1]

A successful demonstration formed, however, only a portion of O'Connell's schemes. A few days after the separation of the sixteen hundred O'Connell decided on a new movement. He proposed the formation of a society for the prevention of unlawful meetings, and for the protection and exercise of the sacred right of petitioning for the redress of grievances.[2] Lord Anglesey at once prohibited the meeting of the new association. O'Connell, summoning his friends around him, again suggested obedience to the Viceroy's proclamation. He proposed that he should be substituted for the society; that he should receive its subscriptions; that he should be the protector of the people's rights and the Pacificator of Ireland. He contemplated, how-

[1] *Ann. Reg.*, 1830, Chron., pp. 209, 213; and *ibid.*, 1831, Hist., p. 304. *Greville*, vol. ii. p. 99.

[2] *Ann. Reg.*, 1831, Hist., p. 305.

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ever, the assistance of two new bodies: one, a club to talk over matters connected with Parliamentary elections; the other, a society to discuss the merits of the Union, and to petition thereupon. It was proposed that the club should breakfast once a week in public at Home's Hotel. On the 10th of January, 1831, Lord Anglesey prohibited the breakfast. O'Connell had the wisdom to advise compliance with the Viceroy's orders, and the dexterity to ridicule the Government for issuing them. 'Another proclamation'—so he at once wrote—'has been issued by the veracious Lord Anglesey. Let us obey it readily—let no man breakfast at Home's. Alas! poor Home! But at breakfast, dinner, and supper let every Irishman recollect that he lives in a country where one Englishman's will is law.'[1]

O'Connell had hitherto succeeded in rendering a technical obedience to the law. He had complied with the letter, while he had disregarded the spirit, of the Viceroy's orders. The prohibition of one association had been followed by the formation of another; and every fresh proclamation of the Lord Lieutenant had only led to some fresh exercise of the never-failing ingenuity of his opponent. Wearied with the protracted contest, the Irish Government, on the 13th of January, decided on issuing a fresh order forbidding the assembly of the Association under any name or in any shape whatever. O'Connell met the proclamation by inviting thirty-one persons to meet him at breakfast, for the purpose of arranging an aggregate assembly at which a petition to Parliament might be prepared. The Government dispersed the assembly; but the people who had composed it, on O'Connell's advice, met again in Dawson Street. The Government immediately ordered the arrest of the leading persons who had attended the meeting. O'Connell, by adjourning a prohibited meet-

[1] *Ann. Reg.*, 1831, Hist., p. 307.

ing, had, in the opinion of the most competent authorities, at length brought himself within the compass of the law.[1]

Arrest and trial of O'Connell.

O'Connell's arrest took place on the 18th of January. On the 19th the Grand Jury found true bills against him and his associates. They were indicted, on fourteen different counts, for an offence against the statute, and on seventeen other counts for a conspiracy under the Common Law.[2] To the first fourteen counts O'Connell at once demurred. But he had no sooner put in his demurrers than he became convinced of the folly of this course. In the case of a misdemeanor the demurrer admits the facts, but disputes the legality of the proceedings;[3] and O'Connell, therefore, by demurring had practically precluded himself from obtaining a fair trial on the facts. A little reflection naturally convinced him of the mistake which he had made. The Court had ordered the demurrers to be heard on the 7th of February. On the 5th O'Connell asked leave to withdraw them, and to plead not guilty to the whole indictment. The application was allowed; and the trial, after some delay, was fixed for the 17th of February. But before the day arrived O'Connell shrank from the encounter, and offered to let judgment go against him by default on the first fourteen counts of the indictment, on condition that the remaining counts, charging him with a conspiracy, were withdrawn. Blackburne, as Attorney General, assented to this arrangement, and entered a *nolle prosequi* on the remaining counts. The case was then allowed to stand over till the first day of Easter term.[4]

The Irish Government was elated to an extraordinary degree by their success in these proceedings. Stanley

[1] *Ann. Reg.*, 1831, Hist., pp. 308, 310; and cf. *Blackburne*, p. 71.

[2] The indictment contained originally 31 counts, divided as in *Hansard*, vol. ii. p. 1009.

[3] *Blackburne*, p. 74, note.

[4] *Ann. Reg.*, 1831, Hist., p. 317. *Blackburne*, p. 75. *Melbourne*, vol. i.

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conveyed to Blackburne his best thanks and congratulations on his great and triumphant success. Grey and Melbourne were delighted at the victory; and Anglesey, who had been a martyr to tic-douloureux for years, forgot even his pain amidst the excitement of his triumph.[1] Amidst the congratulations, however, which the ministers showered upon each other at their success ominous rumours of a compromise were constantly heard. It was asserted and industriously repeated that an arrangement had been made between O'Connell and the Government, and that the agitator would never be brought up for judgment. It was in vain that Stanley, speaking with all the authority of his office, gave an emphatic contradiction to these reports.[2] It was in vain that he read a letter from the Irish Attorney-General to prove that no compromise had ever been contemplated by the Irish Government. The rumours of compromise continued to acquire shape and consistency. Everyone believed in the sincerity of Stanley's declaration, but everyone saw that there was a stronger will than Stanley's in the Ministry. The events of the session were in favour of O'Connell; and the necessities of the Government in England seemed likely to influence their conduct in Ireland. Men who were busily occupied with the Reform Bill could hardly spare time to think of an Irish riot. Politicians, earnestly speculating on the majority arrayed against them, could not afford to affront a single supporter. Statesmen, contemplating the possibility of a dissolution, shrank from the risks of a general election in Ireland while O'Connell was in prison. These various considerations necessarily influenced the policy of the Government. On the 2nd of March the Reform Bill was introduced. On the 9th O'Connell made a great speech in support of the measure.

[1] *Blackburne*, pp. 77, 79. *Greville*, vol. ii. p. 109. *Melbourne*, vol. i. p. 360.

[2] *Hansard*, vol. ii. pp. 490, 611, 1007.

Easter arrived, and O'Connell's presence in London was still necessary to the Ministry. With the consent of the Irish Attorney General judgment was postponed till an early day in May. Eight days before May the Ministry, defeated on Gascoigne's motion, dissolved Parliament. The Act under which O'Connell had been convicted expired with the dissolution. The Irish law officers concluded that O'Connell could not be brought up for judgment after the expiration of the statute, and accordingly no further proceedings were taken against him.[1]

Proceedings against him abandoned.

The victory of the Government had thus been attended by miserable failure; O'Connell had been saved from the consequences of his conduct; and the necessities of the Cabinet in England had overridden the wishes of the Executive in Ireland. In the meanwhile the Irish were fast resuming the chronic disturbances which had become almost necessary to their existence. The sufferings of the Irish poor in 1831 made disorder even more than usually probable. O'Connell had already organised the people for an attack on the Union. The people were themselves attributing their misfortunes to the exactions of the Irish Church. The collection of tithes continued to be the standing grievance of the masses of the Irish nation. The legislation of 1822 and 1823[2] had not succeeded in extinguishing the evils which it had, in some cases, remedied. The Act of 1822 had enabled the tithe proprietor to let the tithes on lease to the owner of the land; the Act of 1823 had enabled the tithe proprietor and the tithe payer to arrange a composition of tithes. A voluntary arrangement of this character, however, was not, of course, universally adopted, and two circumstances interfered with its general adoption. In the first place, the Act of 1823 subjected the farmer of grass land to the tithe. For the best part

Irish tithes.

[1] *Blackburne*, pp. 93, 95.

[2] *Ante*, vol. ii. p. 232.

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of a century the owner of agistment land, or land on which cattle were pastured, had been tithe-free, having been declared free of tithe in 1735 by the unjust decision of a Protestant Parliament.[1] In 1823 the farmer of grass land was, in some cases, unwilling to resume a burden from which his predecessors had successfully relieved themselves; and, in consequence, became the warm opponent of the measure which Goulburn had introduced. In the next place, the Irish Bishops frequently considered that the composition of the tithe would reduce the value of the cure, and consequently diminish the worth of their patronage. These two reasons combined to make the Composition Act, which Goulburn had introduced, a much less efficient measure than it would otherwise have proved.[2]

Goulburn's Act had, then, failed to remove the chief grievance of the Irish peasantry, and its passage by the Legislature had indirectly created a new difficulty. The Protestant minority in Ireland fancied that its supremacy was assailed. The more zealous members of the Irish Church conjectured that the best means of resisting the assault was to convert Ireland to Protestantism. 'It was supposed to be not more difficult to supply the Irish with Protestantism than it had proved, in the instance of a recent famine, to supply them with potatoes. What was principally wanted in both cases were subscriptions.'[3] 'A little army of itinerant reformers' pervaded Ireland, abused the Roman Catholics, and added one more difference to the many divisions which were rending Ireland into factions. The Roman Catholics were not likely to sit quietly by and hear themselves assailed by these missionaries. They retorted on the new apostles of Protestantism. Pulpit replied to pulpit; and the controversy, which had previously been

The New Reformation.

[1] Tithe Report, Parliamentary Papers, Session 1832, vol. xxi., p. 249.

[2] *Ibid.*, p. 249.

[3] *Tancred*, Book i. chap. iv.

confined to the platform, was introduced into the church. A few hundred starving Roman Catholics were converted to Protestantism by the offer of food: just as, at the same time, 5,000 or 6,000 West India slaves were baptised on a grant in Jamaica of a dollar a head for baptisms.[1] Orthodox people, subscribing their shillings and their guineas, congratulated themselves 'on the prospect of our at last becoming an united Protestant people.' Prudent persons, with less enthusiasm or less faith, trembled at the consequences of a movement which estranged nine Roman Catholics for every one which it swept into the Protestant fold.

In fact, the New Reformation, as it was called in triumph by its supporters, in derision by its opponents, was seriously increasing the Irish difficulty. The Roman Catholics found a new reason for their dislike for tithes when the money which they were compelled to pay to the Protestant clergyman was used to effect the conversion of their own relations. The Roman Catholic Bishop of Kildare, Dr. Doyle, a prelate of great power, of large information, and wide influence, published a pamphlet on the Poor Laws in which he expressed a hope that the hatred of the Irish to tithes would be as lasting as their love of justice.[2] Epigrammatic advice of this character was almost certain to produce mischief amidst an inflammable population. The flame became inevitable when Protestant fuel was heaped on to the Roman Catholic spark. In the diocese of Kildare there were two contiguous parishes of Mountrath and Graigue. Mr. Nixon was curate of Mountrath; Mr. Macdonnell[3] was curate of Graigue. Nixon and Macdonnell were both zealous Protestants,

Graigue and Mountrath.

[1] Authority for this statement will be found in *Hansard*, New Series, vol. ix. p. 333.

[2] Tithe Committee, Commons, 68. But cf. Dr. Doyle's most temperate pastoral letter in Tithe Committee report (Lords), p. 235.

[3] His name is always so spelt in the Lords' Committee. It is spelt McDonald in the Commons' Committee.

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enthusiastically devoted to the cause of the New Reformation. Nixon showed his zeal by desiring to rebuild the parish church, and, by packing a vestry with Protestants, obtained a rate—a cess, as it is called in Ireland—for the purpose. About the same time Dean Scott, who had for forty years been the absentee incumbent of the parish, was succeeded by a Mr. Latouche—another absentee. Dean Scott, a good-natured dignitary of the Church, had been satisfied in extracting a tithe of 500*l.* a year from the parish. After his death two clergymen were temporarily appointed to receive the temporalities, and succeeded in raising the tithes to 1,500*l.* annually. Latouche, succeeding to the cure, packed a vestry, and obtained a composition under the act. The people, already irritated with Nixon's cess, were galled into action by Latouche's tithe, and determined 'never again to pay one penny tithe or church cess in voluntary cash payment.'[1]

Latouche and Nixon had produced a crisis in Mountrath. Macdonnell, a few months afterwards, was equally successful in Graigue. Macdonnell filled a good many offices in the parish. He was curate; he was a zealous promoter of the New Reformation; he was a magistrate in the county; and he was tithe proctor to the absentee incumbent. Tithe proctors, magistrates, and reformers were all unpopular characters in Ireland, and Macdonnell concentrated the unpopularity of all three classes in his own person. His unpopularity soon increased. It had been the custom in Ireland to exempt the Roman Catholic priest from the tithe which he was legally liable to pay.[2] Macdonnell was too zealous a Protestant to extend any favour to a Roman Catholic clergyman. The tithe was demanded from the priest, and the priest's horse was seized in

[1] Commons' Committee, p. 299.

[2] Tithe Committee, Commons, p. 8. Lords, p. 10.

default of payment.[1] This proceeding increased the irritation which Macdonnell's interference had already excited in Graigue. The parish priest of Graigue denounced the payment of tithe from the pulpit.[2] Towards the end of November 1830 the cattle of two farmers were seized for arrears of tithe, but released on an undertaking to produce them fourteen days afterwards—the day of sale. A rumour soon spread that the cattle were not to be released on the appointed day. Macdonnell applied to the Government for assistance, and a strong force of police was marched into the parish. The county magistrates, however, had the good sense to interfere; and the parish, on their recommendation, was allowed two months to pay its tithes. The two months expired, but the tithes were not paid. The aid of the authorities was again requested; and, in the beginning of March, Graigue was occupied with a force of 350 police, while a troop of dragoons and a detachment of the 21st Fusileers were marched into adjoining villages. For two months the police were constantly occupied in attempting to drive cattle. Whenever they were seen approaching, the cattle were placed under lock and key; and, as the law did not permit a lock to be broken or cattle to be seized at night, the labours of the police were, in this way, usually frustrated. In a few instances, indeed, the police succeeded in seizing some cattle. In these cases no one except the owners would bid for them at the sale; and an auction thus conducted was naturally unprofitable. Graigue had shown that it required a little army to collect the tithes of a single parish, and that dexterity on the part of the population might disconcert the best-planned military operations.[3]

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The payment of tithes resisted.

Resistance to the payment of tithes had been organised in Graigue. Resistance, once organised, spread

[1] Tithe Committee, Commons. Cf. *Hansard*, Third Series, vol. xi. p. 179.

[2] Lords' Committee, p. 39.

[3] *Ibid.*, p. 8.

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rapidly over Ireland. Public meetings were illegal in that country; but there was no law which prevented the people collecting for a hurling match. A few of the boys might knock about the ball and pursue the game which was the ostensible cause of the gathering.[1] But there was no regular hurling match. The people who attended were frequently armed, and openly admitted that they came to hurl out the tithe system. Even the farmers who were willing to pay tithes were intimidated by these hurling matches. It was in vain that the police were ordered to assist the drivers: they were wearied and disorganised by constant and harassing work.[2] It was in vain that the proctors served their processes under the protection of the military. It became a favourite amusement in Ireland to make the proctor eat the process which he tried to serve.[3] It was in vain even that the police succeeded in occasionally seizing the cattle of some defaulting farmer. No one would buy the cattle; no one in Ireland would even give them food. It was actually found necessary to drive them to the nearest port and export them to England. The taint of the tithe followed them to this country, and many persons still refused to buy them.[4]

The increase of disorder.

Organised resistance of this character was, moreover, attended with more formidable measures. The process-server of Dr. Butler, a pluralist in Kilkenny, was murdered.[5] Pitched battles took place between the police and the people, and a serious loss of life resulted from these encounters.[6] Resistance to the payment of tithe soon led to an organised opposition to the payment of rent. Bands of Whitefeet and Blackfeet[7]

[1] Commons' Committee, p. 22.
[2] *Hansard*, vol. ix., p. 266.
[3] Lords' Committee, p. 131.
[4] *Hansard*, vol. ix. p. 266.
[5] For Dr. Butler's case see Lords' Committee, p. 45; and cf. *Hansard*, vol. ix. p. 270, and vol. x. p. 411.
[6] *Hansard*, vol. ix. p. 142. *Ann. Reg.*, p. 32, Hist., p. 296.
[7] It was suggested at the time that the Blackfeet owed their names to having shoes; the Whitefeet were

paraded the country, denouncing landlords, threatening incoming tenants, and insisting on a general reduction of rents. A force of six or seven thousand people marched to a land agent's house and compelled him to refund the rents which he had received. An anonymous authority in Queen's County ordered an abatement of five shillings in the rent of every acre of land in the county, and threatened the reluctant landlord with 'the disagreeable necessity of visiting you personally, and to terminate, not your lease, but your existence.'[1] The Lord Lieutenant and the magistrates of Westmeath declared 'that the peace and security of society was overturned, that the certain penalty of death awaited any man who presumed to give information against the insurgents, that the certain destruction of property ensued to whoever ventured to act or speak in opposition to the dictates of secret and insurrectionary committees.'[2]

Society in Ireland continued in this miserable condition throughout the whole of 1831. Some of the disturbed districts were proclaimed. Special commissions were sent into the West and South-West of Ireland. A few of the rioters were convicted and executed. But these measures failed to pacify the unfortunate country. In some cases they only served to draw attention to the wide differences which separated the Irish from the Irish Government. Convictions could only be obtained through Irish juries; and Irish juries displayed an increasing reluctance to convict their fellow-countrymen for assaulting tithe-proctors, for outraging landlords, or for murdering police.[3] In December 1831 a considerable force of police, protecting a tithe-proctor at Hugginstown, in

a still lower class, who could not afford shoes. The Protestants fancied that the Whitefeet and Blackfeet were opposed to each other. Dr. Doyle treated them as both opposed to the law. Commons' Committee, p. 49.

[1] *Hansard*, vol. xi. p. 177.

[2] *Ibid.*, vol. xi. p. 245.

[3] *Blackburne*, p. 114.

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Kilkenny, was suddenly attacked by a large body of people. The process-server and eleven of the police were killed, and several others of them were wounded. Twelve persons were indicted for these offences. Two absconded; three were acquitted; in one case the jury were unable to agree; and the Attorney General, disheartened at these failures, declined to produce evidence against the six others.[1] The failure of the Government on this occasion stimulated the demand which had already been made for fresh measures of repression. When Parliament met in December 1831 the King specially directed the attention of the Legislature to the subject,[2] and committees were at once appointed in both Houses to inquire into the tithe laws.[3] The terms, however, of the King's Speech and of the appointment of the committees induced the conviction that the Ministry were more desirous of amending the law than of enforcing it. The Opposition was ready to impute any ideas to a Government which was engaged in forcing the Reform Bill through Parliament.

These rumours gradually acquired so much consistency that the Ministry felt it necessary to notice them. Early in February, Grey took the opportunity, which the presentation of a petition against tithes afforded him, of saying that the Government was determined to enforce the law. The Tories were delighted at this announcement. Passing at once from one extreme to the other, they regarded it as an intimation that the Prime Minister, at any rate, was in favour of maintaining the Irish Church, with all its abuses, in its integrity.[4] A little

[1] This outrage is variously known as the Knocktopher, the Carrickshock, and the Hugginstown outrage. It was thought that the populace, who succeeded in enclosing the police in a narrow lane between high walls, purposely selected the Protestant members of the force. Out of twenty-four Protestant policemen nine were killed and eleven were wounded. Out of fourteen Catholic policemen two were killed and five wounded. See Tithe Report, Commons, pp. 13, 36; and *Blackburne*, p. 116.

[2] *Hansard*, vol. ix. p. 3.

[3] *Ibid.*, pp. 229, 259.

[4] *Ibid.*, vol. x. pp. 2, 3. Cf.

reflection might have convinced them that such a course was impracticable. The resistance to the payment of tithes was so general that their collection was no longer possible. It would have required an army, 'a most enormous army,' to collect the tithes;[1] and in the meanwhile the inability to collect them pressed with increasing severity on the Protestant clergyman. For more than a year many Irish clergymen had been unable to obtain a single shilling of the emoluments of their cures. Many of them were, in consequence, in the utmost distress. Some of them were in actual want of the ordinary comforts of life.[2] Their attempts to collect their tithes had proved unavailing. They had led to bloodshed which everyone deplored. They had afflicted Ireland with fresh disturbances. Tories might still talk of the sacred rights of property, and of the duty of the Executive to ensure to everyone his own. Protestant incumbents in Ireland had at least learned that such language was inappropriate and impracticable. Their interests urgently required the modification of the tithe system.

The distress of the Irish clergy.

These facts were obvious enough to the committees which the two Houses of the Legislature had determined to appoint. The Lords' Committee, reporting in February 1832, declared that 'a complete extinction of tithes,'—either 'by commuting them for a charge upon land' or by 'an exchange for an investment of land'—was required for 'the interests of the Church and the lasting welfare' of Ireland. The Commons' Committee, in their preliminary report, professed themselves 'unable to shut their eyes to the absolute necessity of an extensive change in the present system of providing for the ministers of the Established Church.' They did 'not hesitate to express the opinion that such a change, to be satisfactory and secure, must involve a complete extinction of tithes, in-

ibid., p. 1296; and *Greville*, vol. ii. p. 250.

[1] Cf. Mr. Leader, in *Hansard*, vol. ix. p. 90; and Mr. Fitzgerald, Tithe Committee, Commons, p. 35.

[2] *Ibid.*, p. 3.

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cluding those to lay impropriators, by commuting them for a charge upon land, or an exchange for or investment in land.[1] The extinction of tithes, then, was the end which both committees had in view. But they both of them suggested a preliminary measure for the relief of the suffering tithe-owners. They proposed that the Government should be empowered to advance to each incumbent a sum not exceeding the amount due to him as tithes for the year 1831, and that it should be authorised to buy the arrears of tithes, and reimburse itself for its advances out of the sum which it thus succeeded in recovering.[2]

Tithe legislation in 1831.

The reports, in which these recommendations were made, were agreed to early in 1832. On the 8th of March, Lansdowne, in the House of Lords, and Stanley, in the House of Commons, announced the intention of the Ministry to give effect to them. In both Houses the Ministers intimated their desire to supplement their measure for the immediate collection of tithes with some proposal for their extinction, either by their commutation for a charge on land or by their exchange for real property. The House of Lords at once assented to Lansdowne's resolution, Lord Eldon stoutly protesting against a measure which, from his old-fashioned standpoint, seemed ruinous to the Church.[3] The House of Commons, on the contrary, received the scheme with much more hesitation. The Irish members indignantly declared that the plan converted the Government into a tithe-proctor, and did not remedy the chief Irish grievance, the existence of tithes. The debate, which was commenced on the 8th, was adjourned to the 13th, and again adjourned to the 27th of March. On that day the Ministry succeeded in carrying three reso-

[1] Lords' Committee, p. 4; Commons' Committee, p. 4.

[2] Lords' Report, p. 4; Commons' Report, p. 5.

[3] *Hansard*, vol. x. pp. 1269, 1298.

lutions detailing the difficulty which had arisen, and the distress among the clergy which had ensued from it; affirming the expediency of distributing a sum of money among the distressed incumbents whose tithes had been withheld, and empowering the Crown to recover these advances by collecting the tithes due for the year 1831.[1] On the following day they obtained the acceptance by the House of two other resolutions pledging the Legislature to deal ultimately with the tithe system as a whole. A bill in accordance with their decisions was at once prepared authorising the Ministry to advance a sum of 60,000*l.* to the distressed incumbents, and to take the necessary steps for collecting the arrears of tithes. The bill encountered a good deal of opposition in both Houses of Parliament. But it was supported, at every stage, by substantial majorities, and ultimately became law.[2]

In the meanwhile the Select Committees of the two Houses were steadily pursuing their enquiries into the tithe system. The Lords' Committee made their final report in March, the Commons' Committee in the following June.[3] The Lords' report was a short document of four pages, briefly indicating the measures which should be taken for the removal of the existing difficulty. The Commons' report was an elaborate review of the whole subject, terminating in recommendations similar to those which had been made by the Lords. Both committees thought the Act of 1824 had effected much good, and that the compositions concluded under it should be made permanent. Both committees thought that the Act should be made not only permanent, but compulsory, and that every parish in Ireland should

[1] *Hansard*, vol. x. p. 1331; xi. pp. 135, 970, 1013. Cf. *Spencer*, p. 398.

[2] The Act is 2nd and 3rd William IV. c. 41. The debates on it will be found in *Hansard*, vol. xi. pp. 1235, 1364; and vol. xii. pp. 85, 572, 591, 631, 1363.

[3] Parliamentary Papers, session 1832, Nos. 508 and 663.

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be compelled to conclude a composition for tithes. Both committees thought that the composition should, in future, be charged on the landlord or the last lessor, and not on the tenant,[1] the landlord being allowed a deduction for the trouble of collection. Both committees thought that the landlords should be allowed to redeem the tithe on advantageous terms, and that facilities should be afforded to tenants for life to enable them to do so. In addition to these recommendations the House of Commons' Committee proposed that the tithe which was unredeemed by the landlord should be redeemed by the State, and that the amount received for it should be invested in land to be held in trust for the Church.[2]

Such was the scheme suggested by the Tithe Committees. The scheme was, in reality, Stanley's, and Stanley lost no time in endeavouring to obtain the assent of Parliament to it. On the 5th of July he asked leave to introduce three bills—the first to make compositions for tithe permanent and compulsory; the second to establish ecclesiastical corporations, with power to hold land in Irish dioceses; the third to enable the tithe-owner to sell, and the ecclesiastical corporation to buy, the tithe. His speech rekindled the controversy which the previous measure of the Government had excited at

[1] This recommendation was only capable of gradual application. One of the evils peculiar to Ireland arose from the subletting of land. A let land to B on a lease of lives renewable for ever; B let to C and D for 99 years; C to E and F for 31 years; E to G, H and I for 7 years; G to cottiers from year to year. G, H and I were at once subjected to tithe. After seven years the tithe would fall on E and F; after 31 years on C and D, and so on. See the case stated in Commons' report, p. ix.

[2] See the report. The House of Commons' Committee gave all the calculations on which their scheme was founded. The tithes in Ireland amounted to 600,000*l.* a year. A deduction of 15 per cent. for the landlord's trouble would reduce them to 510,000*l.* Land could be bought in Ireland at eighteen years' purchase. Land, therefore, to yield 510,000*l.* could be bought for 9,180,000*l.* If the tithe was redeemed at sixteen years' purchase of the gross amount its redemption would produce 9,600,000*l.* Commons' final report, p. xii.

an earlier period of the session. The Irish members desired that tithes should be extinguished, 'not in name only, but in substance and unequivocally.' Many Liberal members shared these views, and disliked the policy which Stanley was promoting. The great party which had just succeeded in carrying Reform was shattered and divided by these differences. Stanley found it necessary to abandon two out of his three measures, and to be satisfied with passing his compulsory tithe composition bill.[1] CHAP. XII.

Irish patriots and English Liberals had some reason for the annoyance which they expressed. Stanley had found the Irish Church tottering to its fall. He had propped up the feeble structure, and enabled it to stand. His bill had made the tithes a little less objectionable, and had thus strengthened the position of the Irish clergy. A time, however, was rapidly coming when the policy and the propriety of investing a minority with exclusive religious privileges was to be loudly questioned. Protection in religion had broken down as signally as protection in trade; and men, disgusted with the failure which had attended their efforts in one direction, were busily contemplating the expediency of resorting to another system. In the eighteenth century the fashionable scheme for governing Ireland depended on the forced conversion of its people. The easiest method of converting the Irish was the education of Irish children in the principles of the Protestant faith. If the children could only be trained in the way in which they should go the testimony of the wisest of men could be quoted to prove that they would not depart from it in their old age. The Turk had succeeded in applying the maxim of Solomon, and

Education in Ireland.

[1] The Act is 2nd and 3rd William IV. c. 119. For authorities for the above statements see *Hansard*, vol. xiv. pp. 95, 117, 228. Cf. *Spencer*, p. 439; and *Blackburne*, p. 142.

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had converted Christian children, the prizes of war, into the fiercest of zealots and bravest of troops. The British Government could, at any rate, do what the Turk had succeeded in doing. The higher classes among the Irish who happened to be Roman Catholics were forbidden to avail themselves of the services of priests or tutors for their sons. The lower classes of the Irish were forced to forego all education for their children or send them to be instructed in Protestant Charter Schools. The combined influences of penal laws and education were to make the Irish an united, happy, and Protestant people.

The Charter Schools.

The miserable history of the Charter Schools has been related by Mr. Froude and repeated by Mr. Lecky.[1] The unfortunate children, who were to grow up happy Protestants under the benignant influences of kind Protestant masters, grew up to curse the foundations which had robbed the early years of their life of the consolations which childhood affords to the poorest children. The child of the Irish cottier was frequently half-starved, was always half-clothed, but he at any rate shared with his father's pig a corner of his father's cabin at night; he was, at any rate, able to roam in the day wherever his little legs chanced to carry him. The sky of heaven was above him, the world of nature was around him; and, in blessed ignorance that there was anyone cleaner than himself, or better fed than himself, he grew up from day to day as happy as the birds whose nests he tried to rob or the fish which it was his infant ambition to capture. The same child, forced into a Charter School, had, unhappily, all the discomforts of his previous lot to endure, and was deprived of the freedom which had alleviated poverty. The funds of these institutions were wasted and perverted. The unfortunate children were frequently ill-used and

[1] *English in Ireland*, vol. i. p. 514; *Lecky's Hist. of England*, vol. ii. p. 200.

always neglected. Many of them died of diseases which were the inevitable consequence of bad food and diet. Those who survived left the institutions with a new reason added to the many reasons which they had inherited from their parents for hating the Saxon.

The Charter Schools received more than a million of money from the Legislature.[1] The investigations of Howard, the prison reformer, drew attention to the abuses which had crept into their administration; even amidst the corrupt surroundings of the first years of the nineteenth century their reform was loudly demanded; and in 1806, and again in 1824, Royal Commissions were appointed to enquire into the whole subject of Irish education. The two commissions, published in the aggregate twenty-three reports; and the House of Commons, probably alarmed at the voluminous information which was thus laid before it, referred the matter in 1827 to a Select Committee. The Select Committee endorsed the recommendations which had already been made by both Commissions. Both Commissions had recommended that Irish education should be founded on the principle that no attempt should be made to influence or disturb the peculiar religious tenets of any sect or denomination of Christians. The Committee, adopting this view, declared it to be of the utmost importance to bring together children of the different religious persuasions in Ireland, for the purpose of instructing them in general subjects of moral and literary knowledge, and providing facilities for their religious instruction separately. A wise clergyman of the Established Church, acting in concert with one of the Roman Catholic archbishops, proved by a practical experiment the possibility of carrying out the recommendations of Commissions and Committees.[2] Encouraged

The Commissions of 1806 and 1824.

[1] *Report on Poor of Ireland*, sess. 1830, Appendix P.

[2] The experiment was made by the Rev. Sir F. L. Blosse, with the

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by this example, the Committee on the State of the Irish Poor in 1830 revived the Committee's suggestions, and strongly advised their immediate application.[1]

Enquiry had now done its utmost for Ireland; but the friends of education had not been satisfied with enquiry. In the eighteenth century they had endeavoured to proselytise the Irish by establishing Protestant Charter Schools. In the nineteenth century they were satisfied with supporting a society for the promotion of education. The Kildare Place Society—as it was called—undertook the education of teachers, the provision of cheap schools, and it also established or assisted various schools in different parts of the country. It endeavoured to avoid the rock on which many reformers had been wrecked by excluding religious instruction from its schools, insisting only on a portion of the Bible being read without comment. This compromise did not satisfy the Roman Catholics. They objected to a system which forbade catechetical instruction, and which interfered with the interpretation of the Scripture by the ordained ministers of the Church. They readily availed themselves of the opportunity, which the Kildare Place Society afforded them, of obtaining the services of trained teachers and the use of cheap school-books; but they objected to the children of the Roman Catholic poor being sent to the Kildare Place Schools.[2] In consequence of these objections the well-intentioned managers of the society in Kildare Place failed to exercise any very extensive influence on the education of the Irish poor.[3] The Roman Catholic

Kildare Place Schools.

cordial concurrence of Dr. Kelly, Roman Catholic Archbishop of Tuam. In Sir F. L. Blosse's schools Roman Catholic and Protestant children read together from the Douay Testament, sang together the same hymns—hymns and passages being selected by Dr. Kelly and Sir F. L. Blosse; and the Roman Catholic priest and Protestant children had equal access to the schools. See *Report on Irish Poor*, Part ii. p. 111.

[1] Report, p. 50.

[2] *Ibid.* See especially Dr. Doyle's answers to questions 4607, 4627, and 4636.

[3] The Kildare Place Society gra-

poor declined to send their children to the State-aided schools.

This condition of things was one which no Whig Ministry could afford to ignore. Commissions and Committees had recommended its remedy; it fell to Stanley's lot, as Chief Secretary, to deal with it. Stanley acted on the precise lines which had been laid down for him by the Committee of 1827. He constituted a Board of National Education in Dublin, to which he transferred the grant which he withdrew from the Kildare Place Society. The Board was composed of members of the Roman Catholic as well as of the Protestant Church, and was intrusted with the regulation of all the State-aided schools. These schools were to afford to the children of every sect the advantage of a combined moral and literary, and separate religious instruction; and with this object selections only from the Bible were to be read in schooltime on two days in the week. The Bible itself was only to be read before and after school hours on the remaining four.[1] These proposals were certainly not unfavourable to the Established Church. Favourable as they were, they were received with a shout of indignation. Inglis, in the House of Commons, raised a cry for the Bible, the whole Bible, and nothing but the Bible. Lord Roden, at a public meeting in Down, told the people that their children were to be deprived of the Word of God.[2] It was in vain that Grey, in one House, and Stanley, in the other, endeavoured to explain the true purport of the scheme. It was in vain that they showed that the Bible would continue to be read in school hours on two days out of every six, and that its use would be permissible before

Stanley's Education Bill.

dually passed into the hands of 'a few professional fanatics who in that day were in the habit of seeking, through Protestantism and piety, a ready road to the Bench.' *Life of Lord Cloncurry*, p. 376.

[1] *Hansard*, vol. xi. pp. 583–648; *Blackburne*, p. 282.

[2] *Hansard*, vol. xiv. pp. 662, 665. Inglis founded his cry on the words of Chillingworth.

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and after schooltime on the remaining four. The heated Protestants, who were re-echoing Inglis's cry, were in no temper to listen to reason. The Irish Church was tottering to its fall, the life and property of every landlord were rendered insecure by the organised bands of Blackfeet and Whitefeet, which were inflicting a reign of terror on Ireland; and 'these wise legislators' were 'debating whether the brats at school' should 'read the whole Bible or only parts of it.'[1]

Fortunately, however, the Ministerial majority was so large that Stanley's opponents were only able to delay the scheme, and were not strong enough to reject it. A small House, towards the end of July, agreed to a vote in aid of the proposal.[2] A new measure of relief was thus conferred upon Ireland, and the Irish Roman Catholic was placed, in matters of education, on an equality with his Protestant fellow-subject. The Ministers, probably, hoped that the steps which they had taken to remedy the tithe grievance and to remove the educational difficulty would have had the effect of pacifying Ireland. They soon discovered that the mere removal of a grievance did not in a moment obliterate the memories which its existence had created. The people under O'Connell's guidance professed themselves dissatisfied with the Irish Tithe Bill and the Irish Reform Bill. They had expected that tithes would be annihilated, and tithes were in some shape or other to be preserved. They had expected that Reform would restore to the forty-shilling freeholders the franchise of which Emancipation had deprived them, and Reform had done nothing of the kind. Irritated at these shortcomings, Whitefeet and Blackfeet continued the frightful system of organised terrorism in which they were

[1] *Greville*, vol. ii. p. 267. The debates on the scheme are scattered through *Hansard*, vols. ix., x., xi., xii., xiii., xiv.

[2] *Hansard*, vol. xiv. p. 669.

daily becoming more proficient. A driver was murdered in broad daylight; a clergyman was shot dead on his own lawn; pitched battles continually took place between the military and the people; and, in the meanwhile, O'Connell, continuing his agitation, was declaring that attention would never be 'paid to Irish interests until we see once again a Parliament in College Green.'[1]

The Dissolution of 1832.

The year, then, was closing amidst fresh disturbances and fresh anxieties. The close of the year necessitated the dissolution of the old Parliament, and an appeal to the new constituencies. Dissolution had, in fact, been only delayed to enable the necessary arrangements for the conduct of the general election to be concluded. The interest in the Reform struggle was terminated with the passage of the English Reform Bill into law. But the labours of Parliament were not concluded with the discussions on the English Bill: the Irish and Scotch Reform Bills had to be passed. The boundaries of the new boroughs had to be determined; and, when the decision of the Legislature had been given, the registers throughout the country had to be revised. These arrangements necessarily occupied the whole of the autumn of 1832. Parliament, which was prorogued on the 16th of August, was again prorogued on the 16th of October to the 3rd of December. On that day the last unreformed Parliament was formally dissolved—the old system, with all its abuses and its monopolies, was for ever terminated.

[1] *Ann. Reg.*, 1832, Hist., pp. 293, 296.

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1832. The election of 1832.

THE general election of 1832 was anticipated with mixed feelings by partisan politicians. The Reformers awaited with anxiety the results of the great change which they themselves had been instrumental in introducing; the Tories awaited with alarm the decision of the new constituencies. For the first time in recent history the majority of the House of Commons was to be returned by populous places; and timid statesmen, perhaps naturally, apprehended that the new electors would celebrate amidst orgies and riots their first exercise of the franchise. Happily these anticipations were signally disappointed. The elections, as usual, led to a few disorders, but the disturbances were not greater than those which had occurred on similar occasions before. The new law, which closed the poll in two days, instead of leaving it open for a fortnight, set a limit on the opportunities for riot. The great majority of the new constituencies conducted their first election without tumult, and justified the confidence of the Ministry in extending the franchise to the middle classes of the population.

Nor did the assembly elected by a reformed constituency differ so materially from the unreformed House of Commons as politicians had frequently anticipated. Most of the leading statesmen on both sides of the old House were returned to the new House of Commons. Althorp was re-elected for Northamptonshire, Graham for Cumberland, Charles Grant for Inverness-shire, Lord

John Russell for Devonshire, Palmerston for Hampshire. Stanley, who had been forced in 1830 to take refuge in the Royal borough of Windsor, was returned, with Mr. Wilson Patten, for the northern division of the great manufacturing county of Lancashire. On the other side of the House, Peel was re-elected for Tamworth, Goulburn for the University of Cambridge, Herries for Harwich; Hardinge found a seat at Launceston, and Charles Wynn was again returned for Montgomeryshire. Three conspicuous members of the Tory party, however, found no support from the new constituencies. Wetherell, the hot-headed lawyer, held responsible by many people for the excesses of the Bristol rioters, was defeated at Oxford; Murray, the distinguished officer, who had filled the position of Colonial Minister, was defeated in Perthshire; and Croker, shaking the dust off his shoes, and vowing that he would never sit in a reformed Parliament, withdrew from politics to literature and retirement. He had been distinguished, even amongst his Tory friends, by the violence of his opposition to Reform. He was, happily, singular even among them in his inability to reconcile himself to the new system.

Statesmen of repute, whatever politics they professed, had thus little cause to find fault with the choice of the new constituencies. Ten-pound householders had proved themselves as capable of recognising an aptitude for politics as the proprietors of rotten boroughs. The representatives which the great constituencies selected were usually creditable to them. Manchester chose Poulett Thomson, the Vice-President of the Board of Trade; Birmingham, Attwood, the founder of the great Political Union; Leeds, Macaulay, the accomplished orator, whose speeches on Reform had won applause from an unreformed Parliament; Edinburgh, Jeffrey, whose literary fame has obscured his political reputa-

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The new House of Commons.

tion; and Abercromby, who, years before, had attacked the monopoly of the old constituency of the borough.[1] The great metropolitan boroughs were equally discriminating in their choice. London placed Grote, who afterwards became the historian of Greece, at the head of the poll; Westminster returned its old member, Burdett; and Hobhouse, who had succeeded Parnell as Secretary at War.[2] Marylebone gave a seat to Sir William Horne, who had lately succeeded Denman as Attorney-General; and Southwark selected Brougham, the Chancellor's brother. In a few places, however, politicians were frightened at perceiving that a very different class of persons had been chosen. Five O'Connells were returned by five Irish constituencies; William Cobbett, who had enraged and alarmed the Tories by the ability and boldness of his political writings, was elected for Oldham; and Gully, who had begun life as a prize-fighter, and who had subsequently made a fortune in the betting-ring, was elected for Pontefract. What could be said for a constituency which had rejected an Irish peer like Lord Mexborough, and had returned an ex-prize-fighter? What could be said for a system which admitted Cobbetts and Gullys to the sacred precincts of the British Legislature? One witty answer could, at any rate, be given to these questions of alarmists:—

> If anyone ask why should Pontefract sully
> Its name by returning to Parliament Gully,
> The etymological cause, I suppose, is,
> He's broken the bridges of so many noses.[3]

[1] *Ante*, vol. ii. p. 288.

[2] On the formation of the Grey Ministry, Charles Wynn was made Secretary at War. He resigned early in 1831 (*ante*, vol. ii. p. 642), frightened at the Reform Bill, and was succeeded by Sir H. Parnell, a distinguished writer on economical subjects, but a very restive subaltern. Parnell was dismissed for insubordination in February 1832 (Raikes' *Journal*, vol. i. p. 9), and was succeeded by Hobhouse. See, for Parnell's insubordination, *Greville*, vol. ii. p. 243, note (where Parnell is inaccurately said to have been Secretary at War from the formation of the Grey Ministry), and cf. his correspondence with Brougham, in *Brougham*, vol. iii. p. 174.

[3] Among those who were elected for the first reformed Parliament was

The new House of Commons, like the old, was naturally divided into two great parties. One of them still turned 'a longing, lingering' glance at the past which was fading from their view; the other turned from the west to the east to welcome the new day which was dawning on the horizon. Neither Whigs nor Tories, however, occupied the positions which they had filled

Joseph Pease, a member of a rich and influential family in the North of England, and a Quaker. Pease's election afforded an opportunity for settling a question which had never previously been formally decided. He claimed his seat without taking the usual oath, but on making his solemn affirmation. The Speaker declined to settle the question on his own authority; and, on Althorp's motion, a Select Committee was appointed to report the laws and precedents bearing upon the matter. These precedents were very simple. The Toleration Act had permitted the Quaker, 'who shall be required upon any lawful occasion to take an oath in any case where, by law, an oath is required,' to make his solemn affirmation instead. A subsequent Act of the same reign (7th and 8th William III. c. 34) had allowed the Quaker to give his evidence in courts of justice (except in criminal cases) upon his affirmation, instead of upon his oath. This Act, which was in the first instance only temporary, was made perpetual by an Act of George I. (1st George I., st. 2, c. 6). Soon afterwards, however, doubts arose whether affirmations could be allowed in the place of oaths in any case where by any Act of Parliament an oath is expressly required. These doubts were finally removed by an Act of George II. (22nd Geo. II., c. 46), which substituted the affirmation for the oath 'in all courts of justice and other places where by law an oath is or shall be allowed or required.' Such were the leading statutes which related to the matter. From 1698 to 1832 no person was elected to Parliament who claimed to take advantage of them. In the former year John Archdale was elected member for Chipping Wycombe, and asked leave to take his seat on making his affirmation. The House decided that the provisions of the 7th and 8th William III. did not apply to oaths required to be taken by members of Parliament, and in January, 1698–9, ordered the Speaker to make out a new writ for Chipping Wycombe. Archdale's precedent was, however, no longer applicable: the 22nd George II. had substituted an oath for an affirmation in all 'places where by law an oath is required, except in criminal trials.' The Act of George II. was so universal that it could hardly be doubted that it applied to members of Parliament; and on the recommendation of Wynn, who acted as chairman of the committee, the House of Commons accordingly unanimously decided to admit Pease on making his affirmation. See report, Select Committee, Parliamentary Papers, sess. 1833, No. 6. *Hansard*, vol. xv. pp. 387, 476, 639. Sir E. May, *Const. Hist.*, vol. ii. p. 406, says that the House, giving 'a *wide* interpretation to the statutes, permitted Mr. Pease to take his seat on making an affirmation.' With great deference to so distinguished an authority, I venture to think that Sir E. May's epithet misrepresents the case. Neither Charles Wynn nor Sir John Campbell—the only two members who spoke on the occasion—expressed any doubt as to the meaning of the statute, or as to the course which the House should take.

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before the dissolution. The old-fashioned Tories, indeed, adhered to the principles which Lord Eldon still enunciated in the House of Lords, and which Wetherell had urged in the House of Commons. But Wetherell had lost his seat. Lord Eldon's views were regarded as the natural result of an old man's preference for the system of his youth; and there were few men in the new House of Commons who had the courage, the capacity, or the disposition to enforce them. The Opposition was nothing without the assistance of Peel; and Peel took the earliest opportunity of declaring that his position was altered. 'It had been said that he was opposed to all reform—the charge he directly denied. . . . He was for reforming every institution that really required reform, but he was for doing it gradually, dispassionately, and deliberately, in order that the reform might be lasting. . . . The King's Government had abstained from all unseemly triumph in the King's Speech respecting the measure of Reform. He would profit by their example, and would say nothing upon that head, but consider that question as finally and irrevocably disposed of. He was now determined to look forward to the future alone. . . . There were no means of governing this country but through the House of Commons; and, therefore, he was determined to take his stand in defence of law and order from motives as truly independent as those by which any member of the most liberal opinions, and representing the largest constituency in the kingdom, was actuated.'[1]

Peel in 1833.

Peel's declaration was the more remarkable from the circumstances under which it was made. The extreme men of his own party were not likely to welcome his promise to reform every institution which required reform; but the extreme men of the other party could not easily misinterpret his determination to take his

[1] *Hansard*, vol. xv. p. 385.

stand in defence of law and order. Kindred differences to those which were separating the older Tories from the moderate politicians, who found their best spokesman in Peel, were visible among the Reformers. The Reformers were, in fact, divided into two parties. One, representing the old Whigs, timidly afraid of severing themselves from the traditions of the past; the other, represented by a mixed band of Radicals, Reformers, and Repealers, who regarded the Reform Bill as only the means to an end, and who were zealous to embark at once on the new enterprises which they fancied themselves in a position to undertake. In their judgment Church Establishments, Church Rates, Tithes, Offices, Pensions, Poor Laws, Close Corporations, Slavery, Corn Laws, Game Laws, were so many nine-pins which it was their urgent duty to knock down. A new Reform Bill, the Ballot, Popular Municipalities, and Free Labour were a few of the devices which they desired to set up. In the hot enthusiasm of Parliamentary apprenticeship they failed to recognise the fact that reforms are the work of time, or to acknowledge the existence of two sides to questions on which they had satisfied themselves. Irritated at what they thought the apathy of the Ministry, some of the boldest among them crossed the House and monopolised the seat which is usually accorded to the leader of the Opposition. Peel found himself accordingly pushed from his usual place, and forced to go up nearer to the Speaker.[1]

The Reformers.

Tories and Whigs, then, both found their positions altered in the Reformed Parliament. As a natural consequence of this alteration they both of them found that the names under which party warfare had been conducted for nearly two centuries were no longer applicable. The wisest among the Tories desired to free themselves from an appellation which was associated with the worst features of the old system of government. The

Tories and Whigs become Conservatives and Liberals.

[1] *Greville*, vol. ii. p. 353.

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wisest among the Whigs desired to exchange their old name for a new one, under which the extreme band of Economists, Radicals, Repealers, and Reformers would be willing to serve. The old names, which were thus becoming unfashionable, had originally been nicknames thrown in ridicule on those who were associated with them.[1] The derisive nicknames had gradually become the honoured watchwords of political warfare. The course of events, however, had again brought the titles into disrepute. The Reformer thought he could bring no more damaging accusation against an opponent than to call him a Tory. The Radicals declared that the Whigs were identifying themselves with the worst features of Tory rule. Frightened at the possible consequences of this abuse, instructed by the careful explanation which Peel had given of his principles, the more moderate among the Tories gradually claimed for themselves the title of Conservatives; the more prudent among the Whigs invented the singularly happy name of Liberal as the designation of their party. It would have been difficult to have found two words which expressed more conveniently the determination of the one party to take its stand with Peel in defence of law and order; or the resolution of the other to carry on the struggle for civil and religious liberty till the last relics of monopoly and abuse were finally destroyed.

There was, however, a clear distinction between the organisation of the Tories and Whigs of the olden time and the organisation of the Conservatives and Liberals of a Reformed Parliament. Up to a very recent period the Tories had acted, on all occasions, compactly; the Whigs had exhibited an almost equal desire to cohere. But Conservatives and Liberals displayed from the first a much looser organisation. It

[1] Their origin has been explained by Macaulay, *History of England*, vol. i. p. 258.

was difficult to distinguish the different species of politicians who composed the two great political *genera* before the Reform Bill. In 1833 there was no difficulty in distinguishing the Whig from the Radical, or the modern Conservative from the old Tory. Radicalism, indeed, was no longer regarded with the detestation which it had excited only fifteen years before. In 1815 a man who professed himself a Radical could hardly claim to be a gentleman. He would hardly have been admitted into the society of gentlemen. The hatred of Radicalism even influenced the fashions of men's dress; and the fact that some Radicals wore white hats brought white hats into disrepute.[1] There would have been nothing unpopular in wearing a white hat in 1833. The Radicals had become the popular candidates at every election. In 1815 they had been denounced by the Whigs. In 1833 they were busily denouncing the Whig leaders. They were openly expressing their preference for the old Tory ascendency to the modern Whig rule; they were assailing Whig measures from the seats which under ordinary circumstances would have been occupied by the Tories alone. Their violence was so marked that a young man—who had acquired some notoriety as the author of a few clever novels, and who was already imbued with a detestation of the Whigs and an admiration of the Jews—seriously proposed an alliance between Tories and Radicals. The practical application of the proposal did not even obtain for its author the suffrages of a majority of the electors of the little borough of High Wycombe. The young Tory democrat was defeated by a Grey; and the curious combination which he seriously suggested would

The Tories and the Radicals.

[1] See a curious letter in *Colchester*, vol. iii. p. 87, in which Hugh Leycester writes: 'I have just heard of a Manchester hatter having received fifty white hats to be dyed black.' Miss Cartwright, expressly mentions that her uncle wore a white hat on being brought up for judgment in 1820.

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have been long forgotten if the ambition of its originator had not ultimately been rewarded by his succession to the lead of the Tory party.[1]

The Conservatives and the Whigs.

The Ministry was thus exposed to the violent onslaught of extreme Radicals. But the violence of the Radicals gained for the Government some support from the moderate Conservatives, who were content to take the advice of Peel. They necessarily saw that the defence of law and order—for which Peel had made his stand—could only be successfully conducted by the Whig Ministry. They had the prudence and patriotism to resist the temptation of embarrassing the Government, and to support it against the onslaught of the Radicals. The temperate policy which the moderate Conservatives thus pursued under Peel's guidance naturally led to a growing tendency of Conservatives and Whigs to blend with one another. Thus, to borrow an illustration from physics, there were opposite forces which were influencing party warfare in 1833. A centripetal force—the defence of law and order—was inducing Conservatives and Whigs to gravitate towards each other. Centrifugal forces—an insatiable appetite for change on the one side, a 'panic dread' of Reform on the other—were inducing Radicals and Tories to fly off from the solid bodies which were fulfilling with regularity and order their normal duties in the political system.

These conditions soon became visible. The Radicals seized the first opportunity of displaying their animosity towards the Whigs. A new House of Commons had necessarily to elect a new Speaker; and the election for the Speakership afforded the opportunity for a preliminary struggle. Since the retirement of Abbot, the first Lord Colchester, in 1817, Manners Sutton had filled the chair of the House of Commons. Sutton was the eldest

[1] For the incidents of the High Wycombe elections of 1831 and 1832 see Mr. Hitchman's *Life of Lord Beaconsfield*, vol. i. pp. 61–73. Mr. Disraeli was proposed by a Tory and seconded by a Radical.

son of the distinguished prelate whom the favour of the King had raised to the primacy of the Church. He was the grandson of the third Duke of Rutland. He was essentially, therefore, a representative of the old system which the Reform Bill had destroyed; and he himself desired to retire from the chair before the new Parliament assembled. Towards the close of the session of 1832 he intimated his wishes to the House; and, on Althorp's motion, the House awarded him in return for his long service a pension of 4,000*l.* a year.[1] The House had thus given a substantial acknowledgment of its sense of Sutton's services; and it was expected that the liberality of the House would be followed by some mark of favour from the Crown. Months, however, passed by, and Manners Sutton did not receive a peerage. The general election took place, and Manners Sutton sought the suffrages of his old constituents, the members of the University of Cambridge. The new House of Commons met, and Sutton took his seat on the Opposition benches. By this time, however, it was tolerably well known that the Ministry had withheld a peerage from Sutton because they desired him to resume the Speakership. They hesitated to meet the first reformed parliament with an inexperienced Speaker, and, in consequence, persuaded Sutton to remain in office.

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The contest for the Speakership.

The Radicals were annoyed at the decision of the Cabinet. They thought that the appointment of a Tory Speaker should not be proposed by a Whig Ministry in a reformed House of Commons. Hume accordingly, anticipating the Ministry, at once proposed Littleton for the chair. Littleton was in many respects an ineligible candidate for the post. Tact and judgment are the chief qualifications for the chair of any assembly; and in tact and judgment Littleton was

[1] *Hansard*, vol. xiv. pp. 931, 993

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notoriously deficient. Littleton, however, was a Whig; Sutton was a Tory; and the extreme Radicals preferred an injudicious Speaker of their own way of thinking to an experienced opponent. Against Littleton's express wish they insisted on carrying his claims to a division. The result at once proved their weakness. The Tory party naturally supported Sutton; the Whigs also voted for him. The Radicals were only able to secure 31 votes for Littleton, while 241 were given against him.[1]

The contest proved the determination of the Radicals to stand aloof from the Ministry; and their determination became much more plain when the business of the session formally began. Everyone was conscious that the state of Ireland required immediate attention from the Ministry and the Legislature. The disturbances which had disgraced 1831 were continued throughout 1832. They extended throughout the whole of Leinster; they afflicted portions of the three other provinces. Associations of men, known as Pacificators,[2] organised the country, defying the powers of the Irish Government. The people dared not resist the decrees of these associations. Death was the almost inevitable result of disobedience to their commands. A member of Parliament ventured on letting some land to a Scotchman. He was served with a notice from 'Captain Whitefoot' that the Scotchman must go. A poor

The state of Ireland.

[1] *Hansard*, vol. xv. p. 76. Greville says, vol. ii. p. 333, that, in the previous November, there had been a dispute in the Cabinet about the Speakership, Althorp supporting Littleton, the rest of the Cabinet Abercromby. This story is hardly consistent with Brougham's account, vol. iii. p. 230, and Sir Denis le Marchant's, (*Spencer*, p. 449), and with the fact that Sutton had not received his peerage. It must have been withheld with the intention of asking him to stand for the chair again. Cf. Torrens' *Melbourne*, vol. ii. p. 73; and Raikes' *Journal*, i. 89.

[2] O'Connell's advice had pointed to the institution of Pacificators and Regulators. 'I am anxious,' he had said on one occasion, 'that every man who pays a shilling a year should be enrolled among the volunteers of his parish, and that some one individual will accept the office of Pacificator, and that Regulators will also be appointed.' The Whitefeet called themselves 'the gentlemen Regulators of the grievances of their oppressed country.' *Hansard*, vol. xv. p. 1285.

old man, Patrick Lalor, seventy years of age, refused to give up a little land which he had hired in opposition to the views of the Regulators. He was taken out of his house and shot. These were only instances of the numerous outrages which were almost universal throughout Ireland.[1] During twelve months thirty-two murders or attempted murders were perpetrated in Kilkenny; thirty four houses were burned; the cattle of thirty-six farmers were houghed; 519 burglaries and 178 serious assaults were committed. In the same period, in Queen's County, there were 60 murders, 626 burglaries, 115 malicious injuries to property, and 209 serious assaults on individuals. 'Assassination,' wrote the Attorney General for Ireland, is 'the order of the day, and the habitual practice of those who make robbery their occupation.'[2]

One symptom was even more distressing than the outrages which were being committed almost every day. Pacificators and Whitefeet carried on their reign of terror so effectually that peaceable people were afraid to give evidence against them, or to serve on juries summoned to try the offenders. Lalor's son was supposed to have been an eyewitness of his father's murder; but he refused to disclose the names of its perpetrators. A gentleman who had seen his father-in-law murdered at his own gate declared that 'he would submit to any penalty rather than appear as a witness, for he could not do that without eventually forfeiting his life to the vengeance of those who had murdered his relation.' At a trial at Kilkenny the jury was dismissed, the members of it being unable to agree on a verdict. The names of those who had desired a conviction were immediately printed in red on a placard headed 'Blood! Blood! Blood!', and they were forced to leave the

[1] Very long lists of outrages may be found in *Hansard*, vol xv. pp. 1212, 1254, 1260, 1263.

[2] *Hansard*, vol. xv. pp. 185, 733. Cf. *ibid.*, pp. 294. 727. 730.

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country. It was, perhaps, only natural after this experience that the gentlemen of the county refused to serve on juries.[1] The reign of terror had thus effectually superseded the reign of law.

The Government found itself unable to cope with these outrages. The military force in Ireland was strengthened. The Yeomanry was augmented; the Constabulary was wearied out with almost ceaseless labours. Pacificators, Whitefeet, and Regulators were too strong for Police, Yeomanry, and Troops. The military force was, moreover, harassed by the necessity for carrying out the Tithe Law of the previous session. The Tithe Law, to quote O'Connell's expression, had turned the Viceroy into Tithe-Proctor-General for Ireland.[2] The Government had not suffered the law to remain a dead letter. They had instituted from 9,000 to 10,000 processes for tithes.[3] Force was freely used to facilitate their collection. In one case a company of Lancers, two pieces of artillery, and two companies of the 92nd Highlanders were called out to attend the sale of one cow.[4] The constant parade of military force proved ineffectual. Out of a sum of 104,000*l.*, which the Government was authorised to collect, it only succeeded in obtaining 12,100*l.*[5]

Irish tithes.

Differences in the Ministry upon Irish questions.

It was the unanimous opinion of statesmen of all parties that it was necessary to do something for Ireland. Hardly any two men were, however, agreed on the proper course to be taken. The members of the Cabinet differed from one another upon it. The Viceroy differed from the Chief Secretary, the Chief Secretary from the leader of the House of Commons. These differences were known in Ireland. Anglesey was in the habit of communicating his complaints and opinions to Lord Cloncurry; and Cloncurry, who had been the

[1] *Hansard*, vol. xv. pp. 731, 732; and *cf.* 194.
[2] *Ibid.*, p. 155.
[3] *Ibid.*, pp. 423, 444.
[4] *Ibid.*, p. 214.
[5] *Ibid.*, vol. xx. p. 342.

friend of Fitzgerald and Emmett, and who was the correspondent of O'Connell, was certain to give a wide circulation to the Viceroy's views. Anglesey was in favour of settling the tithe question, of reforming the Irish Church, of introducing a Poor Law into Ireland, and of accomplishing all these measures of relief before the introduction even of a measure of coercion.[1] Stanley, on the contrary, was not in favour of carrying relief to the extremes for which Anglesey was prepared, and he thought it absolutely necessary that relief should be accompanied or preceded by coercion. His policy was wittily described in the House of Commons as a 'quick alternation of kicks and kindness.'[2] The known differences between the Viceroy and the Chief Secretary did not increase the efficiency of the Irish Government. Tory peers, who ascribed the misfortunes of Ireland to the emancipation of the Roman Catholics, and who had neither forgotten nor forgiven the memorable advice, to agitate for relief, which Anglesey had given to the Irish on that occasion, were full of denunciations against the Viceroy.[3] Radicals and Repealers, on the contrary, hating the repressive measures which were supported by Stanley, had no patience with the Chief Secretary.

Stanley and his colleagues.

Stanley was perfectly aware of the unpopularity which he had incurred in Ireland, and was, in consequence, anxious to be relieved from his duties as Chief Secretary. It was tacitly understood that he should be promoted to some other office during the recess, and he constantly referred to the proposed arrangement in conversation with his friends.[4] It is easy to settle plans beforehand; it is not always equally easy to put them

[1] See his letters to Lord Cloncurry, in Cloncurry's *Recollections*, p. 366.

[2] The expression was Bulwer Lytton's. *Hansard*, vol. xv. p. 1234.

[3] *Ibid.*, pp. 743, 749, 843, 847.

[4] *Brougham*, vol. iii. p. 245. Greville says that the understanding amounted to 'a positive pledge.' Vol. ii. p. 365.

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into operation. None of the other ministers were particularly anxious to vacate power and place for the sake of providing for Stanley; and Grey was consequently compelled to wait, in the hope of some opportunity occurring which might enable him to carry out the proposed arrangement. The difficulty was, in this way, temporarily postponed; but, in the meanwhile, the recess was drawing towards a close, and the ministers were assembling in town. Stanley brought with him to the Cabinet the heads of two measures for Ireland—a Peace Preservation Act and a Church Temporalities Act. Their mere suggestion very nearly broke up the great Reform Ministry. Althorp thought that the Peace Preservation Act went too far, that the Church Temporalities Act did not go far enough, and offered to retire. He was only induced to remain by the assurance that his own resignation would be followed by that of the Prime Minister, and by the introduction of modifications into both bills.[1] But this compromise did not restore entire peace to the distracted Cabinet. Durham objected still more strongly than Althorp to the views of Church reform which found favour with Stanley. As usual, he reserved his violence and abuse for his father-in-law, Grey.[2] Durham's influence in the Cabinet, nowever, was not great. Althorp's consent led to the adoption of Stanley's proposal; and the sharp crisis which had threatened to terminate the existence of the Whig Ministry was, for the moment, ended.

The dissensions which had occurred in the Ministry, however, naturally recalled attention to the arrangement which had virtually been made at the close of the preceding session. If Stanley's promotion had taken place some other minister would have been charged with the duty of originating Irish legislation. The

[1] *Spencer*, pp. 445–447.

[2] *Greville*, vol. ii. p. 333; but cf. *Brougham*, vol. iii. p. 256.

measures which had provoked Althorp's resignation would, probably, have never been heard of, and the differences which were still dividing the Cabinet would never have arisen. Brougham was so impressed with these considerations that, in the beginning of December, he again adverted to the necessity of promoting Stanley. He proposed that Sir James Kempt, the Master-General of the Ordnance, should resign; that Anglesey should be appointed to succeed him, being at the same time admitted to the Cabinet; that either Goderich or Melbourne should succeed Anglesey as Viceroy; and that Stanley should become Secretary of State in the place of one of them. Brougham declared that he could not remain in office unless some such change was made. Grey had the same answer ready for Brougham which he had already given to Althorp: the Chancellor's resignation would dissolve the Ministry. Brougham, probably, had never been very sincere in his threat to retire. As Grey would not yield to him it was necessary for him to yield to Grey. No steps were taken to reconstruct the Administration, and Parliament was permitted to meet with Anglesey as Viceroy and Stanley as Chief Secretary.[1]

His unpopularity.

In the meanwhile, however, circumstances had increased Stanley's unpopularity among the Liberals. He had gone down to Lancashire seeking the suffrages of the electors of that great county. With his head full of Ireland, he had naturally spoken, and spoken strongly, on Irish subjects. O'Connell was demanding Repeal as the only remedy for Ireland. Stanley told the men of Lancashire that he considered Repeal equivalent to the dismemberment and destruction of the empire, and that he would, if need were, resist it to the death.[2] It is never very wise for a constitutional statesman to talk of

[1] *Brougham*, vol. iii. pp. 233, 252.

[2] I have followed Stanley's own explanation of what he said on this occasion. *Hansard*, vol. xv. p. 424.

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resisting any measure to the death. In this country and in this century legislation, happily, turns on the decision of the Legislature, and not on the personal prowess of its advocates. Stanley's words were soon exaggerated and misrepresented. Irish newspapers and Irish agitators declared that Stanley had threatened the Irish with war to the knife, or with war to the death. Even English Liberals, jealous, as Grey thought, of Stanley's eminence, placed the same construction on his words,[1] and Stanley was almost universally believed to contemplate the forcible suppression of the Repealers.

Parliament meets.

Amidst the passions which were thus aroused the first reformed Parliament met for the despatch of business. The speech which the king delivered from the throne was a very long one. One part of it was devoted to the serious troubles which were distracting the Continent, and which will receive full consideration in another chapter. Another part of it referred to the 'spirit of insubordination and violence,' which had 'risen to the most fearful height,' in Ireland. Irish matters, in consequence, became of the utmost importance. The treatment which they should receive was hinted in the Speech. A quick alternation of kicks and kindness was to satisfy and subdue the Irish. Whitefeet and Repealers were to be cajoled by the assurance that Parliament would 'probably find that, although the Established Church of Ireland is, by law, permanently united with that of England, the peculiarities of their respective circumstances will require a certain consideration.' In case the Repealers derived too much gratification from this paragraph, the Speech wound up with a threat of coercion. 'I feel confident,' said the king, 'that you will be ready to adopt such measures of salutary precaution, and to intrust to me such additional powers, as may be found necessary for controlling and

[1] *Brougham*, vol. iii. p. 260.

punishing the disturbers of the public peace, and for preserving the legislative union between the two countries which, with your support and under the blessings of Divine Providence, I am determined to maintain by all the measures in my power, as indissolubly connected with the peace, security, and welfare of my people.'[1] It was not difficult to trace the hand which had penned this paragraph. The king had been made to repeat the substance of Stanley's electioneering speech. Stanley had told the men of Lancashire that he would if need were resist Repeal to the death. The king had told his Parliament that he was determined to maintain the Union by all the measures in his power.

The debate on the Address.

This determination infused unusual warmth into the debate on the Address. The Lords, indeed, do not seem to have realised that there was anything remarkable in the king's announcement. They hardly deigned to notice so uninteresting a subject as Ireland, and devoted the couple of hours which they thought proper to give to the Speech to the affairs of other nations.[2] The Lords were satisfied with discussing foreign politics for a couple of hours. The Commons had hardly a single word to say about Portugal or Belgium; but they occupied four long nights with an angry debate on the wrongs of Ireland, and on the autocratic conduct of Stanley. O'Connell came down to the House in a fury. His rage was increased by the foolish language of Lord Ormelie, the new member for Perthshire, who had been entrusted with the task of moving the Address.[3] Ormelie probably thought that a maiden speech should contain a fine passage. He could think of nothing finer than a comparison of O'Connell and his fellow-Repealers with 'those harpies or birds of prey who had soared over and

[1] *Hansard*, vol. xv. p. 90.
[2] *Ibid.*, vol. xv. pp. 90–135.
[3] Lord Ormelie owed his selection, probably, to the fact that he had defeated Sir G. Murray, the Colonial Secretary in the Wellington Ministry and the rival candidate for Perthshire.

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watched the agonies of their victim, ready to pierce their destructive talons into its side.'[1] O'Connell disposed of the unwise metaphor in five minutes. 'What a curse was it for Ireland that every popinjay you met in the streets, who was capable of uttering fifteen words, was sure to lard his sentences by sarcasms against Ireland!'[2] For himself he had other work to do than to reply to popinjays. He had to denounce 'the bloody and brutal Address' which the ministers were proposing—'the brutal and the bloody Speech' which the king had been advised to deliver. He had to denounce the minister who, during his short career in Ireland, had achieved that which had never been accomplished before—he had contrived to make the whole people of Ireland unanimous, for all persons there concurred in considering him most unfit for the government of that country. Yet the Right Honourable gentleman was 'the lord of the ascendant—dictating to the Ministry the measures to be pursued.'[3]

The attack upon Stanley.

The keynote had been struck by O'Connell. For four nights its tone was imitated by Repealers and Radicals. Member after member rose up to denounce the Chief Secretary for Ireland. 'Enshrined in a fancied aristocratic superiority of birth and station,' said one member, 'the Right Honourable gentleman seemed to think it quite beneath his lofty reputation to hold out the olive-branch to Ireland.' 'The Right Honourable gentleman,' said another member, 'seemed to play with men as if they were so many puppets, and not human beings like himself.' He had 'done nothing for the peace of Ireland, and everything for her danger,' was the emphatic condemnation of a third. 'The Right Honourable gentleman,' said a fourth, 'had often many ungracious things to do, but it so happened he pos-

[1] *Hansard*, vol. xv. p. 143.
[2] *Ibid.*, p. 152.
[3] *Ibid.*, pp. 148, 159, 161, 177.

sessed a singular facility of doing them in the most ungracious manner.[1] 'The Right Honourable gentleman,' said a fifth, 'was the real agitator.' 'The arch-Repealer was the Right Honourable gentleman the Secretary for Ireland.'[2]

Stanley himself had spoken early on the first night. During the remainder of that sitting, and for the three other nights' debate which followed it, he was compelled to listen to the unmeasured abuse which speaker after speaker cast upon him. He had the mortification of noticing that his colleagues listened to the invective in silence, and that the only generous defence of his administration was attempted by Peel. 'I am afraid,' said Peel, 'of saying what I think of his conduct; for, however impartial my testimony as a public man may be, I am afraid that my testimony might only increase the efforts which are made to ruin his reputation. Mine, however, is the independent testimony of an independent public man, and I only withhold the eulogy which I should otherwise bestow as his due upon the Right Honourable gentleman lest it should increase the numbers of his enemies. I have heard the Right Honourable Secretary often taunted with his aristocratical bearing and demeanour. I rather think that I should hear fewer complaints on that head if the Right Honourable gentleman were a less powerful opponent in debate.'[3]

He is defended by Peel.

The support which Peel accorded to the Ministry naturally enabled them to carry their proposed Address by a very large majority. O'Connell wished to refer it to a committee of the whole House, and was defeated by 428 votes to 40. Tennyson, the member for Lambeth, desired to amend it by a promise to associate the measures of coercion which it might prove necessary to

[1] *Hansard*, vol. xv. pp. 197, 198 242, 358. The second and third of these dicta were by no less persons than the late Mr. Roebuck and the late Lord Lytton.

[2] *Ibid.*, p. 405. [3] *Ibid.*, p. 370.

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pass, with 'a close and diligent investigation into the causes of discontent in Ireland,' and was defeated by 393 votes to 60.[1] The minority which supported O'Connell consisted mainly of Irish members. The prominent members of the Radical party joined the Repealers in supporting Tennyson. The Government, however, had reason to be satisfied with their success in both divisions. They had succeeded in defeating the Radicals and Repealers by a majority of more than six to one. What more could any Ministry desire? Lord Grey's Ministry had yet to learn that the sullen support of a discontented party may be almost as damaging as defeat. The abuse with which the Ministers were assailed on all sides convinced them, however, that they must lose no time in explaining the measure of relief which they had been preparing for Ireland.

Under ordinary circumstances it would have been natural that Stanley should have been entrusted with the task of introducing the proposals of the Government. He was the ablest member of the Cabinet in the House of Commons; he was directly responsible for the Irish Government; and his experience in office had given him a greater knowledge of Ireland than was possessed by any of his colleagues. The Ministry, however, hesitated to intrust the duty to a statesman who had covered himself with unpopularity, and put up Althorp, as leader of the House, to explain their proposed measures. On the 12th of February Althorp discharged the duty. Six nights before, Lytton Bulwer had called the Church Establishment 'the great grievance of Ireland.'[2] Althorp's speech proved that the Ministers did not materially differ from Bulwer, and that they had the courage to act on their opinions. Out of a population of 8,000,000, only 800,000 Irish embraced the opinions of the Irish Church. The machinery for

Althorp introduces an Irish Church Bill.

[1] *Hansard*, vol. xv. pp. 455, 458. [2] *Ibid.*, p. 241.

superintending the spiritual interests of the faithful few was admirable. Ireland was divided into 1,400 benefices, amply endowed with about 600,000*l.* a year. The incumbents were supervised by twenty-two Bishops, who enjoyed incomes amounting to 150,000*l.* a year. The capitular establishments drew about 25,000*l.* a year more. The whole annual income applicable to the support and maintenance of the Church amounted to 775,000*l.* a year. These, figures, however, only imperfectly represented the burden which the maintenance of the Irish Church imposed upon Ireland. The Bishops derived the chief part of their revenues from landed estates. These estates admittedly yielded a gross rental of 600,000*l.* a year. Let on leases, usually renewable annually, or on leases for lives, the Bishops did not receive more than one-sixth of the value of the land, while their tenure of it placed a great part of the soil of Ireland under the withering influence of 'the dead hand.' In addition, moreover, to the revenues which the Church enjoyed, she had the power of imposing a rate or cess on the whole of Ireland. The Church cess, it was estimated, yielded 60,000*l.* or 70,000*l.* a year. In one way or another more than 800,000*l.* a year was expended in providing for the spiritual necessities of the 800,000 members of the Irish Church.[1]

Such was the grievance with which the Ministry had to deal. Althorp dealt with it by imposing a tax on all benefices of upwards of 200*l.* a year, ranging from 5 to 15 per cent., according to the income of the incumbent. The Bishops and the chapters were at the same time subjected to similar deductions from their incomes. This tax, imposed entirely on Church property, would yield, it was estimated, at least 60,000*l.* a year. It was to be payable to commissioners appointed to receive it, and to be expended, under their orders,

[1] See Lord Althorp's speech, *Hansard*, vol. xv. p. 561. O'Connell subsequently disputed his estimate of the Church's revenues as too low. See *ibid.*, p. 876.

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on the repair of churches, the building of glebe houses and other works. This arrangement would make it possible to abolish the Church cess, and thus remove one of the most tangible grievances connected with the Irish Church. One other grievance was also to be removed. The anomaly of retaining twenty-two Bishops to supervise the interests of 800,000 people was to be terminated, and ten of the twenty-two were to be ultimately extinguished. Their extinction effected a saving of at least 60,000*l.* a year; and this sum, Althorp intimated, the Legislature might deal with as it chose.[1]

The scheme was received with mixed feelings. High Churchmen, like Mr. Newman, bitterly complained that the measure was extinguishing one-half the candlesticks of the Irish Church.[2] In one sense Mr. Newman was right. The twenty-two candles had long given only a feeble and uncertain light, but the candlesticks in which they stood were as richly gilt as ever. High Churchmen, however, were not the only persons who were horrified at the bill. Old-fashioned Tories, like Inglis and Goulburn, were astounded at the proposal, which, in their philosophy, seemed opposed to the Coronation Oath and subversive of the rights of property.[3] Old-fashioned Tory principles were, however, unpopular in the first reformed Parliament, and very little attention was accordingly paid to these arguments. Peel himself, infinitely wiser than High Churchmen or Tories, had the good sense to make a 'temporising'[4] speech, committing him to nothing. On the other hand, O'Connell, overjoyed at the repeal of Church rates, expressed, at once, 'his great satisfaction and delight,' and promised Althorp his most hearty support.[5] A wise measure of relief had done something to conciliate the Irish.

[1] *Hansard*, vol. xv. p. 574.

[2] See his letter to Abp. Whateley, in Whateley's Life, vol. i. p. 235.

[3] *Hansard*, vol. xv. pp. 578, 588.

[4] The epithet is Greville's (vol. ii. p. 354). Cf. the speech, *Hansard*, vol. xv. p. 598.

[5] *Ibid.*, pp. 577, 578.

Unfortunately, the reconciliation thus brought about was only of short duration. The Irish policy of the Ministry involved the 'quick alternation of kicks and kindness.' Althorp had brought forward his measure of relief on the 12th of February; on the 15th, Grey introduced into the Lords his measure of repression. Such a proposal had not been made in a British Parliament since the memorable autumn when Sidmouth and Castlereagh introduced the Six Acts. The bill, as the Prime Minister admitted, combined the provisions of the 'Proclamation Act, the Insurrection Act, the partial application of martial law, and the partial suspension of the Habeas Corpus Act.'[1] The Lord Lieutenant was to be at liberty to suppress all meetings; he was to be empowered to declare any county to be in a state of disturbance; and, in a disturbed district, it was to be penal to be out of doors between sunset and sunrise. Ireland was already accustomed to provisions of this character. She had evaded them by the refusal of her juries to convict their fellow-countrymen. This solitary resource was no longer to be left to her. Offenders in disturbed districts were to be tried by courts-martial. The courts were to consist of not less than five, or more than nine, officers. No officer under twenty-one years of age, or of less than two years' standing, was to serve upon them. They were to have the assistance of a king's counsel or serjeant. They were not, without the express authority of the Lord Lieutenant, to try any offence to which the penalty of death was annexed, or to inflict a severer sentence than transportation. With these exceptions the liberties of the Irish people were to be handed over to military tribunals.[2]

The Coercion Bill.

The measure, revolutionary as it was, in the true

[1] Greville (vol. ii. p. 359) calls it 'a *consommé* of insurrection-gagging Acts, suspension of Habeas Corpus, martial law, and one or two other little hards and sharps.'

[2] Lord Grey's speech, *Hansard*, vol. xv. p. 718. See especially pp. 737, 738, 739.

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sense of the term, hardly excited a remonstrance in the Lords. Introduced on the 15th of February, it was read a second time on Monday, the 18th. It passed through committee on Tuesday, the 19th; the report was considered on Thursday, the 21st; and on Friday, the 22nd of February, the bill was read a third time and passed.[1] The Lords hardly thought it necessary to discuss a measure which was fatal to freedom in Ireland, and allowed the Irish to be placed under military tribunals without venturing on a serious remonstrance. The apathy, however, with which the bill was regarded in the Lords did not extend to the Commons. On the 18th of February, while the peers were assenting to the principle of the measure, O'Connell took the opportunity which a motion for supply afforded him of drawing attention to the woes of Ireland. Sheil followed O'Connell, quoting extracts from the speeches in which Brougham and other members of the Ministry had denounced coercion in 1822.[2] The debate was irregular. Irregular as it was, however, it served the purpose of warning the ministers of the opposition which was awaiting them.

The opposition to it.

Friends of force began to doubt the possibility of passing the Coercion Bill unaltered.[3] Friends of conciliation began to enquire whether, if the Coercion Bill were passed, the Church Bill would be persevered with. Stanley found it necessary to say, 'in the name of the Cabinet, that the Government was pledged to carry' both measures. 'The rejection of either would equally establish this fact, that the Administration did not possess the confidence of the two Houses of Parliament, and therefore could not continue to conduct the affairs of the country.'[4]

Stanley's pledge was given on Friday, the 22nd of February. On that evening the Coercion Bill passed

[1] *Hansard*, vol. xv. pp. 718, 836, 932, 1023, 1090.
[2] *Ibid.*, pp. 873, 910, 911.
[3] *Greville*, vol. ii. p. 362.
[4] *Hansard*, vol. xv. p. 1104.

the Lords; and Althorp undertook to introduce it into the Commons on the following Wednesday. He was not allowed to do so before another preliminary debate was raised. Roe, the member for Cashel, moved for copies of the correspondence on which the bill had been founded. The motion had the effect of eliciting another strong declaration from Stanley. 'Ministers,' said he, 'were ready to stake their responsibility as a Government and their continuance in the offices which they had the honour to hold; they were ready to stake their political character as members of the Legislature, and their honour as gentlemen, on this measure; and if they did not vindicate the positive and absolute necessity of it he was willing to acknowledge that they would be unworthy of the public confidence, whether they were regarded as men or as ministers.'[1]

It is introduced into the Commons.

Stanley had staked the reputation of the Ministry on the results of the debate. Liberal members, who distrusted coercion, and who desired some excuse to justify their votes for it, loudly cheered the uncompromising declaration of the Secretary for Ireland. The case for the Ministry, it was thought, must indeed be strong when a member of the Cabinet could court discussion in this way. Althorp rose to explain the measure. The crowded House awaited the justification for it which Stanley had assured it was coming. It waited in vain. Althorp recounted a list of outrages which proved conclusively that Ireland was in a state of abnormal disturbance. What then? 'A Special Commission had been issued to try offenders, and the result had been completely successful.' The argument which was to have convinced the House of the necessity for the measure only drew forth cheers from O'Connell and the Repealers. The Liberal majority, sullen and disappointed, asked one another whither their leader was

[1] *Hansard*, vol: xv. p. 1203.

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leading them. Tennyson, expressing the almost universal opinion, declared that Althorp had failed to prove that 'the ordinary laws of the land would not be sufficient to put an end to the disturbances,' and proposed the postponement of the bill for another fortnight. Other members of ability and weight rose to support the proposal which Tennyson had thus made. A single 'tame and ineffective' speech had apparently destroyed the prospects of the measure.[1]

This result was, of course, exceptionally mortifying to Stanley. He had staked his honour as a gentleman and his credit as a minister on the case for the bill, and no case whatever had been made out for it. Some effort, it was evident, must be made to redeem the position which Althorp had lost, and Stanley took the papers which he had given to his leader and withdrew to study them alone. He easily mastered details with which his office had made him familiar, and in a couple of hours was ready for the task which his leader's inefficient statement had made it necessary for him to undertake. He rose under every disadvantage. The House was excited against a measure which it thought unnecessary; there was an almost universal disposition to throw the blame of it upon Stanley. All the evil which the Ministry was doing was associated with the Chief Secretary for Ireland; the good which they were promising to do was supposed to be obnoxious to him. He rose. 'He explained with admirable clearness the insecure and alarming state of Ireland. . . . The House became appalled and agitated at the dreadful picture which he placed before their eyes; they felt for the sorrows of the innocent; they were shocked at the dominion of assassins and robbers. When he had produced a thrilling effect by these descriptions he turned upon O'Connell, who led

Stanley's vindication of the Bill.

[1] *Hansard*, vol. xv. pp. 1210–1239. 'Tame and ineffective' are Lord Russell's epithets. *Recollections and Suggestions*, 112. Cf. *Spencer*, p. 455.

the opposition to the measure, and who seemed a short time before about to achieve a triumph. . . . . He recalled to the recollection of the House of Commons that, at a recent public meeting, O'Connell had spoken of the House of Commons as 658 scoundrels.[1] In a tempest of scorn and indignation he excited the anger of the men thus designated against the author of the calumny. The House, which two hours before seemed about to yield to the great agitator, was now almost ready to tear him to pieces. In the midst of the storm which his eloquence had raised, Stanley sat down, having achieved one of the greatest triumphs ever won in a popular assembly by the power of oratory.'[2] He had vindicated the claims of order; and no one urged against him the reflection of De Tocqueville: 'c'est à travers le bon ordre que tous les peuples sont arrivés à la tyrannie.'[3]

The bill is passed.

Eloquence had saved the Ministry from a humiliating defeat. But even Stanley's eloquence did not induce the Irish to abandon the contest. Six nights were passed in debating the motion for leave to introduce the bill; two more were devoted to its discussion on the second reading. Six more were occupied with the consideration of the bill in committee, and on all of them the wordy warfare was long and violent. The

[1] The speech was made at a meeting of the Trades Unions. Cf. Raikes' *Journal*, vol. i. p. 163. O'Connell's words were differently reported in different newspapers. According to his own account of the matter his words were, 'that the injustice from individuals might be punished by law, but that no punishment could be inflicted if that injustice were carried into execution by 600. He then went on—as was not uncommon in speaking, to further illustrate his position, but without intending any connexion between them—to say, that if one scoundrel attempted to rob you, you might resist him by force, but if 600 did so, you could not resist them. . . . He could not have intended to apply that epithet (scoundrel) to the members of the House. He must have included himself in the number.' (*Hansard*, vol. xv. p. 1291.)

[2] Russell's *Recollections and Suggestions*, p. 112. Lord Russell's recollection of the speech was confirmed by all contemporary accounts. Abercromby told Sir D. le Marchant that, 'had it been the old House, I should have quietly walked home and put on my nightcap, under the conviction that Stanley in a few weeks would be Prime Minister, and remain so as long as he pleased, governing us on Tory principles, for the whole speech was in that spirit.' (*Spencer*, p. 455, note.)

[3] *Démocratie en Amerique*, vol. iv. p. 221.

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Irish had one advantage on their side, which they had the dexterity to turn to profitable account. A committee, appointed in the previous session to consider the state of Ireland, had reported that 'the law when vigorously administered is adequate to put down outrages.'[1] The view of the committee had been confirmed by Althorp's speech. But, if it were correct, how was it possible to prove the necessity for superseding the ordinary tribunals of the country with courts-martial? It is true that Stanley, in his eloquent appeal, had declared that 'there was the greatest possible reluctance in every part of Ireland to appear as jurors.'[2] The Government had provided a remedy for this difficulty by another bill, which enabled the venue in criminal cases to be changed to an adjoining county.[3] The Ministry might at any rate wait and test the effect of this bill before committing the liberties of the Irish to beardless officers. The ministers, however, declined to give way. They consented, indeed, to one amendment, which disqualified all officers below the rank of captain from sitting on a court; and to another, which required five members of the court to be unanimous before a conviction could take place.[4] These slight concessions did not satisfy O'Connell. His efforts, however, were not rewarded with any further success. The majority, stimulated by the recollection of Stanley's eloquence, steadily supported the Government. Before the end of March the bill had passed through all its stages in the House of Commons. On the 1st of April the amendments introduced into it by the Commons received the assent of the Lords.[5]

The Church Bill.

Stanley had attained his end. The Coercion Bill had passed through all its stages. The wiser members

[1] See report, State of Ireland, Parliamentary Papers, sess. 1831–2, No. 677, p. 4.

[2] *Hansard*, vol. xv. p. 1266.

[3] For the Change of Venue Bill see *Hansard*, vol. xv. 1093.

[4] See *Hansard*, vol. xvi. p. 589.

[5] For the chief divisions on the Bill see *Hansard*, vol. xvi., pp. 601, 696, 768, 871, 1283. For the assent of the Lords, *ibid.*, p. 1294.

of the Government, however, were conscious of the strain which the measure had imposed on the fidelity of their supporters; and were anxious, therefore, to lose no time in alternating the policy of kicks with a measure of kindness. Althorp had already explained the outline of the Church reforms which the Ministry contemplated. On the 11th of March he introduced the bill which had been drawn up for the purpose, and persuaded the House to fix the 14th for its second reading. The bill was not in print, and Peel rightly urged that some little delay should be allowed before its second reading. The moderate course which Peel had steadily pursued throughout the session, the assistance which he had readily yielded to the Ministry during the debates on Ireland, ought to have insured immediate compliance with his request. Althorp, however, urged forward by O'Connell, refused to give way. The House, by a large majority, supported its leader,[1] and the second reading was fixed for the 14th of March. Haste is proverbially different from speed, and the old adage received a new illustration in the history of the Church Bill. The bill imposed a tax on all Irish benefices worth 200*l.* a year, and no tax can be imposed unless the bill imposing it originates in a committee of the whole House. On the 14th of March, when the second reading came on, Charles Wynn drew attention to the rule. Wynn was a high authority on procedure; and his opinion on this occasion was supported by both Peel and O'Connell. The ministers, with these authorities arrayed against them, did not venture on adhering to their own view. The second reading was postponed, and a select committee appointed to consider the question of procedure. Inattention to forms had effectually checked the progress of the measure. The House, instead of reading the Church Bill a second time on

[1] *Hansard*, vol. xvi. p. 487. Greville very properly says that Althorp 'did very wrong' (vol. ii. p. 364).

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the 14th of March, was only able to consider whether the bill should be introduced at all on the 1st of April.

Three resolutions were proposed in committee of the whole House on that day. The first merely affirmed the expediency of appointing an ecclesiastical commission in Ireland; the second provided for the imposition of a tax on all Irish benefices worth more than 200*l.* a year; the third contemplated the abolition of Church rates. The resolutions led to a long debate, which was renewed on the following evening. The Ministry, on the remonstrance of the Tories, undertook that the proposed tax should not apply to the incomes of existing incumbents; and on this understanding the resolutions were passed.[1] But the delay which had already taken place afford[ed] a bad augury for the future of the bill. The second reading, which Althorp had refused to postpone for a couple of nights, did not take place till the 6th of May.[2] On the 13th the king sent the usual message to the House, placing his interests in the Church at the disposal of Parliament;[3] and the House resolved itself into committee. The real struggle only commenced at this stage. The Repealers saw that the time had come to extend the scope and principle of the bill. The Tories saw that the moment had arrived for making one last struggle for the property of the Church. One Liberal proposed to apply the temporalities of the Church to purposes of general utility; another desired to reduce the number of Irish bishoprics, not by ten, but by twenty-two; a third wished to remove future Irish bishops from the House of Lords. None of these proposals were accepted by the Government; and the only important concession which it decided on making was reserved for the Tories. From a Radical point of

[1] *Hansard*, vol. xvi. pp. 1354, 1410; and vol. xvii. pp. 36, 49.

[2] It was carried by 317 votes to 78. *Hansard*, vol. xviii. p. 1010.

[3] *Ibid.*, p. 1113.

view the bill had only two merits: it suppressed church rates, and it enabled Parliament to apply the revenues of suppressed bishoprics to whatever purposes it thought proper. The second of these provisions was contained in the 147th clause of the bill; and, on the 21st of June, Stanley moved the omission of this clause. The omission was avowedly made for the purpose of conciliating the Lords; it had the immediate effect of infuriating the Repealers. The chief virtue of the bill was in their judgment gone;[1] and O'Connell at once repudiated it on behalf of Ireland. He was, however, unable to defeat the steady majority by which the Ministry was supported, and the bill, with Stanley's amendment, passed through all its stages in the House of Commons.[2]

The appropriation clause dropped.

The ministers had reason to be satisfied with their success in the House of Commons. But they were nervously apprehensive of the fate which the bill might experience in the Lords. The old-fashioned views of Government, which hardly found an exponent in the Commons, were still embraced by a majority among the peers. Old Eldon was actively endeavouring to induce the waverers to oppose the 'sad bad bill.'[3] The Duke of Cumberland was displaying so much zeal against his brother's Government that he was thought to be competing with Wellington for the lead of the Opposition;[4] and other noble legislators, who had never forgiven the Ministry for carrying Reform, were anxious for their revenge on the Irish Church Bill. Under these circumstances the Cabinet anxiously considered the course which it was necessary to pursue. Brougham, reverting to the proposition of the previous

The attitude of the Lords.

[1] 'The life, heart and soul, all that gave the measure its vitality and spirit, is abandoned.' (Sheil, *Hansard*, vol. xix. p. 268.) See also *Spencer*, p. 471.

[2] *Hansard*, vol. xix. p. 301.

[3] His own expression. *Eldon*, vol. iii. p. 207.

[4] *Brougham*, vol. iii. p. 274.

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year, desired the immediate creation of five or six peers, and a pledge from the king for an indefinite number of creations. The course which he recommended was impracticable for two reasons. In the first place, it was almost certain that the king could not be persuaded to adopt it. In the next place, the Cabinet would not consent to recommend it.[1] Nothing, therefore, was left to the Ministry but to trust to 'the good sense of the peers.' Some advanced Liberals considered that the good sense of the peers would depend on the amount of extraneous pressure which was brought to bear upon them, and that a firm attitude in the Commons would essentially promote moderation in the Lords. With this object Sir John Wrottesley, who represented Staffordshire in Parliament, moved that the House should be called over on the 18th of July. The motion was not successful. Stanley and Althorp joined with Peel in deprecating its adoption. Yet, notwithstanding the junction of the leader of the Opposition with the leader of the Ministry, Wrottesley was only beaten by 160 votes to 125. Even Duncannon, who held high office in the Government, and Charles Grey, a younger son of the Prime Minister, supported the call. There could be very little doubt about the significance of a demonstration thus made, thus met, and thus supported.[2]

The bill in the Lords.

Opposition peers, big with their own importance, were angry at the presumption of a county member who had endeavoured to influence their votes. They persuaded themselves that Wrottesley's motion had added one more reason to the many arguments for immediately rejecting the Church Bill.[3] Fortunately,

[1] *Brougham*, vol. iii. p. 295.

[2] For the motion see *Hansard*, vol. xix. p. 650; for the division, *ibid.*, p. 662.

[3] *Greville*, vol. iii. p. 8. Greville says that Wrottesley's action was due to a foolish speech of Wellington's, declaring the bill was a violation of the Coronation Oath. *Ibid.*, p. 9. The speech referred to is in *Hansard*, vol. xix. p. 551.

however, the peers were powerless without their leader, and their leader had the good sense to remember the consequences which might ensue from an indiscreet vote. Instead of voting against 'the sad bad Bill,' Wellington left the House, and suffered the Cumberlands, the Newcastles, the Winchilseas, and the Eldons to continue the hopeless struggle for their old principles alone. Under such circumstances the second reading was carried, after three nights' debate, by a majority of 157 votes to 98,[1] and the bill was suffered to go into committee.

The bill, however, had not escaped all its dangers. One of its clauses provided that the Ecclesiastical Commissioners might suspend any appointment to a benefice in which no duty had been done for the three years preceding the introduction of the bill. Zealous Churchmen fancied that this clause struck a new blow at the useless Establishment which they were determined on preserving. They insisted that the suspension should not take place without the consent of the diocesan, and that the revenues of the suspended benefice should be allowed to accumulate for the purpose of building church or glebehouse within the parish. The Ministry could not, of course, assent to an amendment which pointed to the possible erection of Protestant churches in parishes where there were no Protestants. Reason, however, was powerless against the Tory lords, who were bent on retaining the irritating machinery of the Irish Church in its entirety. Lyndhurst hurried up from Norwich to vote for the amendment;[2] Wellington was persuaded to support it; and the Tories, thus aided, succeeded in defeating the Ministry by 84 votes to 82.[3]

The Ministry defeated.

For the moment the existence of the Ministry was imperilled by this decision. Grey moved that the House

[1] *Hansard*, vol. xix. p. 1016. *Eldon*, vol. iii. p. 207.
[2] *Greville*, vol. iii. p. 16.
[3] *Hansard*, vol. xix. p. 1232.

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should resume, in order that he might have the opportunity of consulting his Cabinet. Fortunately, the Cabinet considered that the amendment was not of essential importance. All that it had done was to reserve the funds of particular benefices for a particular use; and this amendment, foolish and unreasonable as it was, did not materially affect the principle of the measure. The Ministry accordingly decided to go on with the bill; the Lords abstained from offering any further embarrassing opposition to it; and on the 30th of July the third reading was carried by a majority of 135 votes to 81.[1]

The bill passed.

The Government had thus succeeded in carrying the Irish measures on which they had staked their existence. The kicks had been alternated with kindness. Coercion had been supplemented by Church reform. Stanley was universally recognised as the author of both measures. The success of one of them was solely due to his eloquence and his will. In consequence he had risen to an almost unprecedented position in the House of Commons. Hated on the one side, admired on the other, he was the hero of the hour. But the success which he had achieved made it more than ever undesirable that he should continue in the Irish office. His power in Westminster, his unpopularity in Ireland, equally disqualified him for it. The arguments which Brougham had advanced for his removal in December looked much more unanswerable in March; and fortunately facilities existed for effecting a change in the Ministry. Durham had never worked comfortably either with his father-in-law, the Prime Minister, or with the rest of the Cabinet. He disliked the policy of the Government. He had neither the temper nor the tact which would have enabled him to conceal his dislike. His health gave way[2] under the irritation which every

[1] *Hansard*, vol. xx. p. 126.

[2] See Lord Grey's letter to Brougham, in *Brougham*, vol. iii. p. 262.

fresh compromise occasioned, and he became nervously anxious to retire from the Ministry.[1] He resigned in the middle of March, and was rewarded for his services by the Earldom which had long been an object of ambition to him. His retirement enabled the Ministry to appoint Goderich to the Privy Seal, and thus open the Colonial Office to Stanley. Poor Goderich had not much fancy for the obscure position which his colleagues insisted on his accepting. An Earldom, however, and the promise of the Garter[2] reconciled him to his supersession. His promotion was of one advantage to him. The younger generation which was growing up to manhood forgot that the respectable and wealthy peer, whom they knew as the Earl of Ripon, was the same statesman whom their fathers had laughed at as 'Prosperity Robinson' and 'Goody Goderich.'

Reconstruction of the Ministry.

The changes which were thus made in the composition of the Ministry were all accomplished in the last

[1] The ostensible cause of Durham's resignation was that given in the text. The immediate cause was the appointment by Palmerston of Stratford Canning as Minister at St. Petersburg. The Emperor of Russia objected to the appointment; and Durham, who passed a portion of the autumn of 1832 in Russia, whither he had gone on a special mission, undertook that it should be cancelled. Palmerston declined to cancel it. Grey supported Palmerston; and Durham resigned or seceded from the Ministry. Cf. *Greville*, vol. ii. pp. 352, 357. Buckingham's *Courts and Cabinets of William IV. and Victoria*, vol. ii. p. 125. Oddly enough, the quarrel, after producing a rupture in the Ministry, did not lead to Stratford Canning's appointment. The Emperor of Russia persisted in his objections, and an understanding was arrived at that Stratford Canning should not proceed to his embassy. *Greville*, vol. iii. p. 39. The embassy remained vacant till 1835. On the formation of Lord Melbourne's Ministry in that year it was desirable to provide for Durham. It was impossible to gratify him with the Foreign Office, the object of his immediate ambition. Instead of this arrangement it was suggested that Durham might go to St. Petersburg. Recollecting the difficulties raised by Nicholas in 1833, Palmerston sounded Nicholas, and received his assent to the arrangement which he then submitted to the king. A new difficulty, however, thereupon arose. Nicholas in 1833 had objected to Canning; William IV. in 1835 objected to Durham. He was 'furious' at the notion of the Emperor's having been consulted before his own assent had been either given or asked. *Melbourne*, vol. ii. p. 116. So curiously do the ambition of second-rate statesmen and the prejudices of monarchs influence the government of the world.

[2] *Brougham*, vol. iii. p. 379; and cf. *Greville*, vol. ii. p. 366.

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week of March. The time of Parliament had previously been almost exclusively devoted to the consideration of the Coercion Bill; the time of Parliament was subsequently largely occupied with the debates on the Church Bill. Stanley had been the champion of coercion: he was recognised as the originator of the Church Bill. The prominence which circumstances had given to Irish subjects had afforded him an opportunity of raising himself above all his colleagues, and of establishing an unrivalled reputation for capacity and eloquence. Most men would have required rest after exertions of such a nature: Stanley, however, had no chance of obtaining rest in the Colonial Office. Since the peace, indeed, Colonial Ministers had usually been occupied with uneventful duties of ordinary routine. The Colonial Minister of 1833 was required to devise a measure of first-rate importance; and Stanley found himself, immediately after his promotion, compelled to deal with a subject of almost unexampled difficulty.

Stanley takes the Colonial Office.

Slavery.

Britain had succeeded in securing a magnificent colonial empire. But the prosperity of her wealthiest colonies depended on a barbarous system. In the West Indies, in the Mauritius, and at the Cape large numbers of unfortunate persons, distinguished only from Europeans by the colour of their skins, were kept in enforced servitude, and doomed, like beasts of burden, to pass their weary life labouring, under the lash of their master's driver, for the increase of their master's substance. Men no worse than their contemporaries grew wealthy on the horrible traffic in slaves from Africa. Statesmen stipulated that their own fellow-countrymen should be assured a monopoly of the trade; and religious societies, regarding the negro as a mere animal, refused to afford him the advantage of Christian instruction.[1] For more than a century no one presumed

[1] See Mr. Lecky's *History of the Eighteenth Century*, vol. ii. pp. 12–17.

even to question the propriety of slavery. The first steps taken to alleviate some of the horrors inseparable from it have already been related in a previous chapter of this history.[1] Granville Sharp, Wilberforce, and their fellow-workmen succeeded after years of agitation in persuading Parliament to abolish the British slave trade. They subsequently induced other nations to imitate the example set by the British Legislature.

It is impossible to place too high a value on the labours which led to this great victory. But the abolition of the slave trade obviously could not be regarded as a satisfactory solution of the whole question of slavery. The horrors of slavery itself exceeded the horrors of the slave trade; and no humane man could rest contented while hundreds of thousands of his fellow-men were enduring a more cruel bondage than that from which Moses delivered the Israelites. Wilberforce himself was anxious to complete the work which had already cost him so many disappointments, and which was indelibly associated with his name. It was a far more formidable thing, however, to abolish slavery than to abolish the slave trade. It was a far more difficult thing to convert three-quarters of a million of slaves into free labourers than to cut off the supply of future slaves. The new object involved a forcible interference with the rights of property; it might possibly prove disastrous to the wealthiest colonies of the British empire. It was sure, therefore, to be opposed by large and influential sections of the community. Britons, in every rank of life, still believed that they were at liberty to do what they chose with anything that happened to be their own. It was this plea which was urged by the Duke of Newcastle when he served notices to quit on the electors of Newark who had voted against his nominee.[2] It was

[1] *Ante*, vol. i. p. 116.

[2] *Ante*, vol. i. p. 142, and note.

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this plea which was urged by the fellow with whom Erskine remonstrated for thrashing his packhorse.[1] It was this plea which the American embodied in the expression that every man had 'a right to wallop his own nigger.' The preceding chapter has, however, been written to very little purpose if the reader has not perceived the constantly diminishing weight of this plea. Men who happened to be slaves could still be regarded as mere animals; but even as animals they were entitled to the protection which Martin had persuaded the Legislature to afford to the ox and the ass. When a costermonger was no longer permitted to illtreat his donkey a slave-driver could hardly urge his proprietary right to illtreat his slave.

The decrease in the West Indian trade after the Peace.

The kindlier instincts of the nineteenth century were, then, opposed to the continuance of any cruel system. Every year that passed after the close of the war made cruelty to man or beast more and more unpopular. The advocates of the abolition of slavery found the people year after year more ready to assent to their arguments. And there was another circumstance of a very different character which also assisted them. During the war the trade of the West Indies had formed an important branch of British commerce. More than one-seventh of the produce which was exported from the United Kingdom was taken by the West Indian colonists. The exceptional circumstances, however, which had imparted a temporary importance to this trade disappeared with the Peace. The declared value of British exports decreased from 43,447,373*l.* in 1814 to 39,305,515*l.* in 1833. The declared value of British exports to the West Indian Islands decreased from 7,019,938*l.* in 1814 to 2,597,591*l.* in 1833.[2] In 1814

[1] See *ante*, p. 60 (note).

[2] McCulloch, *ad verb.* 'Imports and exports, and colonies and colony trade.'

the trade with the West Indies had formed nearly one-sixth part of the commerce of Britain. In 1833 the West Indian Islands only purchased one-fifteenth part of exported British produce.

Thus two causes, after the conclusion of the Peace, modified the position of the great slave question. The kindlier instincts of the rising generation revolted against the notion of exacting enforced labour from human beings. The diminishing importance of the West Indian trade reduced the influence of the planters. The time, therefore, was obviously ripe for completing the work which Granville Sharp and Wilberforce had commenced, and for striking the fetters from every slave in the British empire. The services of the man who had previously been the foremost worker in the cause were, however, no longer available. The weight of years and the feebleness of his health had diminished Wilberforce's capacity for work; and it was, therefore, necessary to transfer the case of the slaves to younger and stronger shoulders. It was natural that Wilberforce should look for his successor among the members of the sect which was identified with his own religious views. All the conspicuous abolitionists, Granville Sharp, Zachary Macaulay, Clarkson, and himself, had been numbered among the band of Low Churchmen whom careless talkers were accustomed to deride as saints, and whom Churchmen occasionally set down as Dissenters. One of the most earnest of them, Fowell Buxton, had entered Parliament in 1818. Three years afterwards he undertook at Wilberforce's invitation the task of pleading the cause of the slaves.

Thomas Fowell Buxton.

Thomas Fowell Buxton, the son of a Suffolk squire, had the misfortune to lose his father at an early age. His mother, a Quakeress, and a woman of talent and energy, exerted a marked influence on the character of all her children. An acquaintance, formed at a very

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early period of his life, with the Gurneys of Earlham increased the impression which his mother's precepts had made on Buxton. Mr. Gurney was a Quaker. His third daughter—well known afterwards as Mrs. Fry—was already preparing for the great work of her useful life. His fifth daughter, Hannah Gurney, gained the affections of young Buxton, was engaged to him before he was out of his teens, and was married to him when he had only just completed his twenty-first year.

Buxton's early marriage had an immediate influence on his future life. He had only just graduated at Dublin, and the distinction which he had gained in his academical career had procured him an offer to stand for the University. He hesitated, however, to incur at the same time the expenses of married life and of a Parliamentary contest, and, refusing the tempting offer, accepted a situation in Truman's brewery.[1] Constantly engaged in the East-end of London, he set himself to alleviate the terrible distress which was hardly ever absent from Spitalfields. He nobly seconded the efforts which his sister-in-law, Mrs. Fry, was making; and, imitating her example, devoted almost the whole of his leisure to works of charity. A life of this kind was certain to bring him sooner or later into connection with the slavery question. He became a member of the African Institution, a society which proposed to watch over the law which abolished the slave trade. The society, however, had slumbered over its victory. It was only awakened, in January 1821, to its duties by Buxton's 'vehement reprobation.'[2] Shamed into action by his zeal, the abolitionists renewed their efforts; and Wilberforce, four months afterwards, confided the conduct of the crusade to Buxton.

Undertakes the management of the slavery question.

[1] His uncle, Mr. Sampson Hanbury, procured him the situation.

[2] Buxton's own expression. See his life, p. 105, from which the preceding details have been collected.

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Immediate action was not, however, possible. The slave-owners were powerfully represented in Parliament, and their arguments were received with respect by the ruling classes. The emancipation of the slaves, it was argued, would be followed by an insurrection of the negroes; and the colonies, freed from the evil of slavery, would be exposed to the greater evils of servile war. Slavery, indeed, from a slave-owner's point of view had no evils. The slaves were treated with a kindness and consideration which few free labourers received. The stories of ill-treatment occasionally repeated in England were idle tales unworthy of credence. It was true that the whip was carried into the field, but the driver only bore it as a badge of authority, and not for use. Slaves might possibly be found who had been branded with red-hot irons. But these were old men, introduced into the colony before the slave trade was abolished, and who had been branded before their departure from Africa.

Facts, then, were absolutely necessary to oppose to the assertions of the slave-owners, and facts could only be gradually accumulated. Buxton, however, had one diligent assistant in the matter. Zachary Macaulay had, thoughout his life, been a steady advocate of negro emancipation. He had resigned the management of a West Indian estate from his disgust at slavery; he had been the leading spirit in an unfortunate attempt to found a colony of free negroes at Sierra Leone; and he had returned to England early in the century, and was ready to collect the weapons for Buxton's use against the slaveowners. Two years' labour provided Buxton with an array of facts which it is, even now, hardly possible to read without being affected by them. The heartless cruelty of human nature never earned a sadder commentary. It is necessary to cite only a few instances of brutality which could be almost indefinitely multi-

Zachary Macaulay collects the materials for Buxton's use.

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plied. A negress named America[1] had a little child employed in the house of one Overeen, the manager of a slave estate. The child, either through accident or carelessness, let some cream fall into the sea. She was punished for her fault; and her mother came to Mrs. Overeen's house to scold the child for her carelessness. Mrs. Overeen fancied that America had no right to interfere, and complained to Overeen. Poor America was stripped by Overeen's order, and in his presence 175 lashes were inflicted on her. The poor creature who was doomed to this fearful punishment was in a condition at the time which ought to have made any man merciful. But the slave-driver, who had no pity for the woman, could, perhaps, hardly be expected to show mercy to the unborn babe. A brute in Honduras, Michael Carty, made Overeen's conduct appear almost humane by contrast. In a fit of temper he bound a poor young negress hand and foot, passed a stick above her elbows and under her knees, and, fastening a chain to her neck, flogged her at intervals throughout a day, leaving her between the floggings with her wounds festering under a tropical sun.[2] Another wretch, one Huggins, flogged three negroes for some trumpery fault, employing their own father to administer the flogging. The sisters of the unfortunate men begged for mercy, and cried on being refused it. Huggins gave them twenty lashes each for crying.[3] Crying was an offence rarely forgiven in a slave. Henry Williams was flogged for attending an Independent meeting-house. His sister sighed, and she received thirty-nine lashes for sighing. It may, however, be thought that these were solitary acts of cruelty. Slave-owners were loudly declaring that the whip was only an emblem of office, and that

[1] For America's case see *Hansard*, New Series, vol. x. p. 1120.

[2] For Quasheba's case see *Hansard*, vol. ix. p. 354.

[3] *Ibid.*, vol. x. p. 1117.

negroes were never branded in the West Indies. A fearful answer was given to these allegations. A single page of the 'Jamaica Gazette' contained descriptive advertisements of fifty-six runaways. Nearly all had marks of floggings or severe floggings upon them. Nearly every one of them had been branded. Creoles, who must have been born in the colony, had been branded frequently in more places than one. Creole women, it is shocking to relate, could be identified by the brands on their breasts. Some of them had been branded on both breasts.[1]

Buxton's first motion for the abolition of slavery.

Thus prepared, Buxton, in May 1823, brought the question of slavery before the House of Commons. He asked the House to resolve that the state of slavery is 'repugnant to the principles of the British Constitution and of the Christian religion, and that it ought to be gradually abolished throughout the British Colonies, with as much expedition as may be found consistent with a due regard to the wellbeing of the parties concerned.'[2] He asked the House to disregard the warnings of interested planters. The planters had always declared that rebellion would be the inevitable result of any movement for improving the condition of the slaves. If Buxton had been as ready as he was zealous he might have answered them by citing the toast of the undoubted Tory, Johnson: 'Here's to the next insurrection of the negroes in the West Indies.'[3] The striking wish of the great lexicographer did not, probably, occur to Buxton. He contented himself by showing that the planters' argu-

[1] *Hansard*, vol. ix. p. 331. Cf. vol. x. p. 1127. It is right to add that Ellis, afterwards Lord Seaford, the great champion of the West India interest, quoted a case in which a master had been punished for branding a slave on the breast, *Ibid.* 1135.

[2] A slave was the property of his master. A slave who ran away was, technically, supposed to rob his master. In 1815 a poor negro boy ran away to his mother. The lad was hanged for endeavouring to rob his owner; his mother was imprisoned for life for receiving stolen goods—in other words, for sheltering her own son. *Hansard*, Third Series, vol. xviii. p. 367.

[3] Boswell's *Johnson*, vol. iii. p. 217.

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ments pointed not merely to the continuance of slavery, but to the perpetuation of all the horrors which made slavery in a British colony one of the worst forms of servitude. Such a result could not, at any rate, be contemplated by Buxton, Wilberforce, and the other philanthropists who were urging their fellow-countrymen to demand the abolition of slavery. Such a result, it was daily becoming evident, would not be tolerated by the rising generation of Englishmen, who were loading the tables of the House with petitions for abolition. Abolition, in some shape or other, at some time or other, could not be resisted by the Legislature. Buxton recommended that it should be gradually effected by declaring all children born after a certain date to be free.

The recommendation which Buxton thus made had two great advantages: it was moderate, and it was reasonable. It was made, moreover, at a time eminently favourable for its consideration. Castlereagh was dead; Canning was the guiding spirit of the Ministry and of the House; Peel was actively promoting the alleviation of the Criminal Code; Wallace, Huskisson, and Robinson were commencing the great reforms which shed a lustre on the declining years of the Liverpool Administration; humanity and liberality were becoming fashionable; and ministers could not afford to disregard the movement of which Buxton had become the exponent. Canning's position was not, however, an easy one. The West India interest was still powerful in the House. Sir Pitt Crawley was not the only borough-owner who for fifteen hundred a year gave up the second seat in the family borough to 'Mr. Quadroon, with *carte blanche* on the slave-question.'[1] Canning did not venture under these circumstances to give an unconditional support to Buxton. He himself proposed three resolutions, which he rightly thought would be less offensive to the slave-owners than

[1] *Vanity Fair*, chap. ix.

Buxton's motion. The first affirmed the expediency of adopting effectual and decisive measures for ameliorating the condition of the slaves. The second contemplated, in consequence, a progressive improvement in the character of the slaves, 'such as may prepare them for a participation in those civil rights and privileges which are enjoyed by other classes of his Majesty's subjects.' The third expressed the anxiety of the House 'for the accomplishment of this purpose at the earliest period that shall be compatible with the wellbeing of the slaves themselves, with the safety of the Colonies, and with a fair and equitable consideration of the rights of private property.'[1]

Canning's amendment.

Buxton's remedy contemplated the gradual abolition of slavery; Canning's remedy, on the contrary, contemplated an alleviation of the hardships which surrounded the slave. Sturdy abolitionists naturally preferred Buxton's plan to that of the Government. Canning's plan, however, was attainable; Buxton's was practically unattainable; and the abolitionists were too wise to reject an end which they could immediately secure, for the sake of an object which there was no immediate means of obtaining. Canning's resolutions, thus supported, were unanimously adopted. The Ministry, much to its credit, lost no time in acting on them. The resolutions were only adopted on the 15th of May. Nine days after, or on the 24th, copies of them were forwarded by Lord Bathurst, the Colonial Minister, to every one of the West Indian Governments. Bathurst urged the colonists to take a practical step towards complying with the wishes of the Legislature by abolishing the flogging of females and the use of the whip in the field.[2]

These instructions were received with very different

[1] For Buxton's speech see *Hansard*, New Series, vol. ix. p. 257; for Canning's, *ibid.*, p. 275. The result of the debates is in *ibid.*, p. 360. Cf. Buxton's Life, p. 129 *seq.*

[2] The letter will be found in *Ann. Reg.*, 1823, Hist., p. 130, note. Subsequent and more elaborate instruc-

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feelings in the various West Indian colonies. The colonies, indeed, were not all capable of independently criticising them. Some of the colonies—of which Trinidad was an example—were under the direct government of the Colonial Office. Others of them—of which Jamaica was the most important—were governed by local Legislatures, over which the Colonial Office exercised an imperfect and intermittent control. The news that the British Legislature had presumed to interfere in the internal affairs of the colony was received with a burst of indignation in the House of Assembly in Jamaica. One of the planters actually moved an address for the removal of Bathurst from the Ministry; others of them deliberately desired to separate themselves from the British Crown; the whole Assembly unanimously protested against 'a decree' 'whereby the inhabitants of this once valuable colony (hitherto esteemed the brightest jewel in the British crown) are destined to be offered a propitiatory sacrifice at the altar of fanaticism,' and told the Government that 'the late proceedings in the British Parliament' had made 'the present moment peculiarly unfavourable' for any measures designed to ameliorate the condition of the slaves.

Indignation of the planters.

The insulting language of the Jamaica planters might have induced the British Legislature to assert its authority. The Legislature, however, was under the control of a statesman who would not allow himself to be moved by the arrogant remonstrances of irritated colonists. 'Parliament,' said Canning, 'had obviously three courses before it. It might crush the planters by the application of direct force; it might harass them by fiscal charges; or it might pursue the slow, silent

tions were despatched from the Colonial Office afterwards, recommending much more detailed reforms. See for these *Buxton*, p. 134; and *Hansard*, vol. x. p. 1047.

course of temperate but authoritative admonition. Others might prefer compulsion; for his own part he was in favour of leaving the planter to meditate on the consequences of his own folly. I would leave him,' said Canning, indulging in sarcasm which has rarely been excelled, 'to found his insurrection, if insurrection he will have, on an abstract admiration of the cart-whip, and on a resolute claim of his free-born right to use that instrument at his pleasure.'[1]

Canning's determination elicited a strong protest from Buxton. It was obvious from the very bitterness of Canning's language that the planters had gained a victory. The lot of the slave might be alleviated in Trinidad, but the slave was still to be driven to his work by the lash in Jamaica. In Trinidad, however, there were only 30,000 slaves; in Jamaica there were 350,000;[2] and the abolitionists could, therefore, say that while the British Parliament had alleviated the lot of one negro, the House of Assembly in Jamaica had refused it to eleven slaves. The clamour, however, of the Jamaica planters had done its work. Abolitionists with less enthusiasm than Buxton and Wilberforce seceded from a movement which was apparently likely to produce civil war in an important colony; and the Jamaica planter was accordingly permitted to wield his cart-whip at his pleasure. Fortunately, moreover, for the Jamaica planter, the attention of the abolitionists was temporarily diverted from his arrogant language. The despatch which had provoked such excitement in Jamaica was attended with graver consequences in Barbadoes and Demerara. In Barbadoes a missionary named Shrewsbury was attacked, his meeting-house destroyed, and he himself driven from the island. The

[1] *Hansard*, New Series, vol. x. pp. 1105, 1106.

[2] These figures are from Buxton's speech (*ibid.*, p. 1114). Ten years afterwards there were 22,000 slaves in Trinidad, and 311,000 in Jamaica. McCulloch's *Commercial Dict.*, *ad verb.* 'Slaves and Slave Trade.'

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angry colonists imagined that the unfortunate clergyman had sent home reports reflecting on their conduct, and warned all missionaries to leave their shores. The Governor of the island, indignant at the outrage, offered 100*l.* reward for the conviction of the rioters. The planters had the assurance to issue a counter-proclamation that 'the good people of Barbadoes would take care fitly to punish such person or persons as should make any discovery.'[1]

The case of missionary Smith.

The 'good people of Barbadoes' had lost their temper. On the adjacent coasts of South America the conduct of the inhabitants of Demerara made the proceedings of Barbadoes seem moderate. Demerara, like Trinidad, is one of the Crown colonies under the direct government of the Colonial Office. In 1823 the government of the colony was held by General Murray. On the 7th of July Murray received the circular despatch which had been sent to every colony from the Colonial Office. The planters, to whom its contents were communicated, displayed a 'feverish anxiety' at the news. Murray shared their apprehensions, and decided on withholding the despatch from the negroes. Some rumours of it, however, reached the ears of the slaves. They fancied that the great King of England had set them free, and that the planters had suppressed the edict. Irritated at the suppression of the boon which they believed had been conferred on them, the slaves in a portion of the colony refused to work. In a planter's eyesight the passive refusal of a slave to work was as dangerous as an active slave rebellion. Troops were at once employed to crush the 'insurrection.' The wretched slaves were easily cut down. Two days' vigorous action enabled the soldiers, without loss to themselves, to suppress the disturbances. Rigorous measures were subsequently taken to restore authority. The insur-

[1] *Ann Reg.*, 1823, Hist., p. 134.

gents, tried by courts-martial, were executed by dozens. Others of them, not more guilty, but more unfortunate, were sentenced to a more horrible punishment. Five of them were torn to pieces with a thousand lashes each.[1]

The insurrection broke out on Monday, the 18th of August. Complete tranquillity was restored on Wednesday, the 20th. The head-quarters of the revolt had been established on a plantation—known as Le Resouvenir—the property of a Mr. Hamilton. Hamilton held extreme notions about the propriety of flogging negroes. He thought it an atrocious act of tyranny for the British Parliament or the Colonial Office to prohibit him from flogging his female slaves; and he declared if he were not allowed to do so he would put them into solitary confinement, without food. It may easily be imagined, therefore, that a slave's lot on the Le Resouvenir estate was not a pleasant one. On the same estate there had been living since 1816 a man whose character was very different from that of Hamilton, the Rev. John Smith, a missionary. Smith was a Dissenter. He had been sent to Demerara by the London Missionary Society. He had been carefully instructed to avoid rendering the slaves dissatisfied with their condition.[2] Practising the many virtues which he preached, he had succeeded in obtaining extraordinary influence among the slaves. 'Wearied and heavy-laden,' they came to him as the minister of that Lord who had promised the weary and heavy-laden who came to Him rest.

Good men are not always judicious: good judgment is so rare a quality that it would be hopeless to expect it in every missionary. Smith, probably, occasionally laid stress on some chapter in the Bible which it would have been better to have avoided in preaching to a con-

[1] See *Hansard*, vol. xi. pp. 964, 968, 995. *Buxton*, p. 138. *Ann. Reg.*, 1823, Hist., p. 134.

[2] *Hansard*, vol. xi. p. 402.

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gregation of slaves. The negroes on the Le Resouvenir estate must have derived their knowledge of Hebrew history from Smith; and their usual explanation of the Exodus was that God commanded Moses to take the children of Israel out of Egypt because He did not wish that they should be slaves.[1] Such a precedent, so explained, must have been a little embarrassing to a planter inspired with 'an abstract admiration of the cart-whip.' On the Sunday which preceded the revolt, moreover, Smith chose an unfortunate text for his sermon: 'And when he was come near, he beheld the city, and wept over it, saying, If thou hadst known, even thou, at least in this thy day, the things which belong unto thy peace! but now they are hid from thine eyes.'[2] Probably even in negro congregations an apposite text has more effect than an eloquent sermon. Gibbon relates that a sermon in St. Sophia on the seasonable text, 'This is the day of the Lord,' stimulated the revolution which drove the second Justinian from the throne.[3] Smith's text had a similar tendency. However forcibly he might dilate on the position of the Jews in A.D. 33 and their ignorance of the Redeemer, some of his congregation must have reflected on the message of peace which, rumour whispered, the King of England had sent out to Demerara in A.D. 1823, and which General Murray had hidden from the eyes of the unfortunate negroes.

On the very day on which Smith preached this sermon he had some conversation with a slave named Quamina, one of the leading negroes on the estate. On the following day the commotion occurred which the authorities regarded, and dealt with, as a revolt. On the Tuesday and Wednesday, when the rebellion was at its height,

[1] *Hansard*, vol. xi. p. 1009.
[2] *Ibid.*, p. 989.
[3] *Decline and Fall*, chap. xlviii. Gibbon does not seem to have noticed that the text, which he cites, does not occur in the English Bible.

Quamina again called on Smith. Smith's language seems to have been worthy of a Christian missionary. He remonstrated with Quamina for threatening to use force.[1] His influence and precepts induced the slaves to declare that they would take no life.[2] He warned the manager of an adjacent estate of the discontent and of the commotions which were preparing.[3]

Men free from the passions which were distracting the colony were ready enough to admit the good results which had ensued from Smith's teaching. Smith had taught the negroes the wickedness of blood-shedding, and the slaves had carefully refrained from shedding blood.[4] The planters, however, had little consideration for the feelings of the minister. In their eyes his teaching had provoked the rebellion. His sermon on the preceding Sunday; his constant intercourse with the slaves; his conversations with Quamina were all cited as proofs of his immediate connection with it. On the 19th of August, while the revolt was at its height, Governor Murray proclaimed martial law.[5] Two days afterwards, when the disturbance was virtually quelled, Smith was dragged from his home and thrust into the miserable prison of the colony. Imprisonment, under any circumstances, on such a charge would have been a cruel punishment; confinement in a West Indian prison was almost equivalent to death. The upper chamber of the building in which Smith was placed was exposed to the scorching fury of a tropical sun. The lower chamber had a damp mud floor. In this prison Smith and his unfortunate wife, who bravely shared her husband's confinement, were doomed to spend nearly two months.

He is arrested,

It was, however, obviously impossible to leave Smith

[1] *Hansard*, vol. x. p. 1072.
[2] *Ibid.*, vol. xi. p. 995. Cf. p. 1220.
[3] *Ibid.*, p. 1055.
[4] See the testimony of the Rev. Mr. Austin, an Anglican clergyman. *Ibid.*, pp. 995, 1036.
[5] *Ibid.*, p. 968.

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in his wretched prison. Quiet, which had only been interrupted for three days, had been restored for six weeks; and no justification whatever remained for the continued imprisonment of a Christian minister unconvicted of any offence. On the 13th of October Smith was brought to trial. His persecutors, however, did not permit him to enjoy the advantage of pleading his cause before an ordinary tribunal. The necessity for martial law had long since ceased, but martial law was still in force. It was determined that Smith should be tried before a court-martial. The Vendue Master of the Colony—who had a commission on the sale of slaves—was made President of the Court.[1] The President of the Civil Court of Demerara had a seat upon it. The Colonial Fiscal was employed to conduct the prosecution. Weakened by his long confinement, ignorant of the charges against him, Smith had to conduct his case as best he could before this tribunal. A court-martial summoned in Demerara, and presided over by the Vendue Master of the Colony was not likely to prove a very impartial tribunal. The court which was trying Smith soon afforded proofs of its partiality. Demerara had been ceded to this country by the Dutch. The Dutch had always recognised the admissibility of slave evidence in certain cases; and the British planters, much to their annoyance, had been compelled to submit to the established custom. The custom proved convenient enough when Smith was on his trial. Two or three wretched slaves were brought forward, not to testify to facts, but to repeat conversations which they had heard. The President of the Civil Court of Demerara sat by and made no objection. Ignorant of the laws of evidence, Smith himself made no objection. He naturally thought that he would be allowed to meet hearsay evidence with hearsay evidence. He was soon

and tried by court-martial.

[1] *Hansard*, vol. xi. p. 974.

undeceived. The Court, which had been gravely noting the hearsay evidence which the prosecution had produced, was shocked at the notion that Smith should offer anything so irregular for its consideration. Its members could not, they gravely decided, receive any more hearsay evidence.[1]

The Court was solemnly trying Smith on the gossip which they were able to extract from frightened negroes. The principal witness whom they succeeded in obtaining in this way subsequently confessed that his evidence was false.[2] But the planters had something more than the hearsay evidence of perjured slaves to rely upon. They had been carefully studying Smith's papers and private journals. The private journal of a missionary on the Le Resouvenir estate was not likely to be a very satisfactory document for a planter's perusal. Smith's journal showed conclusively that he realised the inevitable consequences of cruelty and oppression, and that he anticipated the convulsion which ultimately occurred. The planters were not ashamed to use the secret confessions of this journal as evidence against the prisoner. 'Nothing like Smith's journal had been used in evidence since Jeffrey's trial of Sidney.'[3]

His conviction.

The forms of justice had been strained to ensure Smith's conviction. Smith was accused of promoting discontent and dissatisfaction among the slaves, thereby intending to excite revolt. The Court found him guilty of the fact, but not of the intention. He was charged with consulting Quamina before the revolt; of communicating with him during its progress; and with neglecting to arrest him. He was found guilty on most of these charges, and sentenced to death.[4] The Court

[1] *Hansard*, vol. xi. pp. 406, 971, 983.

[2] *Ibid.*, p. 984.

[3] Sir J. Mackintosh, *Ibid.*, p. 1043.

[4] *Ibid.*, p. 1053.

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had the irony to accompany their finding with a recommendation to mercy. Mercy was, indeed, in store for the persecuted missionary, but it was very different from the mercy which the court-martial had recommended. Exhausted by his long labours in an unhealthy climate, broken with the hardships of his protracted confinement, Smith had no strength to bear the anxieties of his trial or the mortification of his sentence. His gentle spirit sank under his numerous afflictions and he died. His persecutors were not even appeased by their victim's death. They had the cruelty to forbid his widow to follow his funeral; they tore up the railings which were placed around his humble grave.[1]

The trial of an obscure missionary in a distant colony may seem to some people an insignificant event in the history of the world. Smith's trial constituted an important episode in British history. The news of the proceedings threw a fresh light on the meaning of slavery. The love of justice, which is inherent in the English, was outraged by the irregular conviction of a good man for an unintelligible offence. Brougham exerted all his eloquence, Mackintosh and Lushington all their learning, to aggravate the case against the court-martial. The ministers hardly ventured to defend the proceedings of the Colonial authorities. They lost no time in reversing the proceedings of the Court. They met Brougham's attack by only moving the previous question. Even this moderation did not give them a signal victory. Brougham was only defeated by 193 votes to 146.[2]

The sentence reversed by the British Ministry.

The division proved the strength of the abolitionists. The minority was too formidable to be lightly disregarded. The Colonial Office had already determined to issue regulations for the treatment of slaves in

[1] *Hansard*, vol. xi. p. 1066. [2] *Ibid.*, p. 1313.

the colony of Trinidad; and had subsequently applied these rules to Demerara, Berbice, and St. Lucia. In these colonies Sunday markets and Sunday trading were prohibited; the flogging of females was abolished; the whip was taken from the driver's hand in the field; no punishment was to be inflicted until at least twenty-four hours after the offence; no slave was to receive more than twenty-five lashes in one day; every punishment was to be entered in a record book; and a protector of slaves, to whom the slaves were to have a right of access, was to be appointed. Moral regulations of almost higher importance were made at the same time. Married slaves were not to be separated from their children; slaves were to be permitted to acquire and bequeath property; they were to be allowed to purchase their freedom; their evidence was to be admissible in courts of justice. Provision was to be made for their religious instruction; and—such still was the narrow bigotry of the age—two bishops were to be sent to the West Indies to promote the interests of the Church of England.[1]

Slavery regulated in the Crown colonies.

Bathurst's regulations marked a new advance in the great movement which Buxton was promoting. In four small colonies the British Government had insisted on regulations for the more humane treatment of slaves. Little further progress, however, was made for some years. In 1825 Wilberforce retired from public life; in 1826 Canning, still afraid of offending the West Indian interest, gave the House of Assembly of Jamaica another year for consideration; and in 1827 a sharp attack of illness, due to overwork and excitement, temporarily disabled Buxton from attendance in Parlia-

[1] These regulations will be found explained in *Hansard*, New Series, vol. x. pp. 1052–1058; and without explanation in *ibid.*, p. 1064. For their extension to Demerara, Berbice, and St. Lucia see *ibid.*, p. 1061; and *Buxton*, p. 151.

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ment.[1] These various reasons contributed to prevent the accomplishment of any material reform. But the colonists thoroughly understood the caution which had been given to them. In 1826 Bathurst again urged the local authorities of Jamaica to legislate while there was yet time; and the Assembly, wise in its generation, decided on using the year of grace to grant the minimum of indulgence to the slaves. In December it passed an Act to alter and amend the slave laws in the island. The Act had nothing satisfactory about it except its title. It was chiefly remarkable from what it omitted to do. It did not abolish the flogging of female slaves; it did not abolish the use of the whip in the field. It placed no limit on the hours of work during harvest-time. It professed to provide for the religious instruction of the slaves; but it forbade their attendance at divine worship between sunset and sunrise, or during the only hours when many of them were free to attend. It professed to afford protectors to whom the slaves might resort; but, instead of independent persons specially nominated for the purpose, it proposed the formation of Councils of Protection in each parish. It professed to allow the marriages of slaves, but it refused to recognise any marriage which was not contracted by a clergyman of the Established Church It professed to prohibit the separation of families, but it failed to define the meaning of the family. In these and other respects the law was so imperfect that Huskisson, who had succeeded to the Colonial Office, declined to sanction it. The Jamaica Assembly refused to assent to Huskisson's views,[2] and the unfortunate negroes were thus deprived of the moderate instalment of reform which even the House of Assembly of Jamaica had been willing to concede.

The Jamaica Act of 1826.

[1] *Buxton*, pp. 151, 159, 192.

[2] For Huskisson's despatch and the answer from the House of Assembly see *Ann. Reg.*, 1828, Chron., pp. 386–397.

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In 1828 Murray replaced Huskisson. On the 15th of September the new Secretary of State told the planters that 'some amelioration of the laws regarding slavery was a matter of necessary policy.'[1] The Ministry still clung to the hope that the colonists would have the good sense and discretion to adopt the advice which three successive Colonial Ministers had given to them. The colonists, however, refused to recede from their miserable position. Their obstinacy strengthened the hands of the abolitionists. In May 1830 a great meeting was held at the Freemasons' Tavern to promote the cause of freedom. Wilberforce emerged from his retirement to preside over it. Lord Milton seconded the resolution which Buxton proposed for 'effecting at the earliest period the entire abolition of slavery throughout the British dominions.' The principles which were thus enforced were repeated at a second meeting held in Edinburgh. 'We ought to tell the legislators, plainly and strongly,' said one of the speakers at this meeting, 'that no man has a right to property in men—that there are 800,000 individuals sighing in bondage under the intolerable evils of West Indian slavery, who have as good a right to be free as ourselves have; that they ought to be free, and that they must be made free.'[2] Encouraged by these demonstrations, Brougham, towards the close of the session, brought forward the question. He told one story, in support of his arguments, which makes the flesh of the sternest reader creep. Mr. and Mrs. Moss, a lady and gentleman of position, had a slave, a poor black girl, employed in their house, whom they suspected of theft. They placed her in the stocks from the 22nd of July to the 8th of August, 1826. The stocks

Murray's despatch of 1828.

Brougham's motion in 1830.

[1] See *Hansard*, Third Series, vol. xi. p. 818. The House of Assembly afterwards, on the 19th of February, 1831, made another, and better, though imperfect, law, which was approved by Lord Goderich. See the correspondence, Parliamentary Papers, session 1831-2, vol. xlvi. p. 54.

[2] *Buxton*, pp. 247, 248.

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were so constructed that the wretched girl could neither sit nor lie in an easy position. While she was in them she was flogged six times. Tortured in this way, it was hardly possible for her to sleep. Lest sleep should mitigate her sufferings her master and mistress rubbed her eyes with red pepper. At last, on the 8th of August, she was taken out of the stocks. Stiff with her confinement, she could with difficulty move, and she was again flogged and sent to work in the fields. A fever was at the time prevalent, and on the third day the unhappy girl complained of being ill with the fever. The driver brought her to her inhuman master and mistress. They desired that she should be taken to the negro house, and, if she was no better in the morning, that she should be brought to them for medicine. The only medicine which she received was another flogging. Five hours afterwards her exhausted nature gave way, and she sank into the sleep of death from which even her barbarous master could not arouse her.

The Mosses had been a little too cruel even for Jamaica. They were tried for their conduct, and sentenced to five months' imprisonment. But society in the colony was shocked at the notion that a gentleman and lady of position and character should be punished in consequence of the death of an unfortunate slave, or, as they phrased it, of an untoward and unfortunate accident. They memorialised the Governor for the immediate release of the Mosses; and the Governor sent their petition home, with a strong recommendation to mercy. The indignation which the punishment of the Mosses excited formed the strongest proof that had yet been produced of the cruel conduct of the Jamacia colonists. Yet Brougham was not successful. His motion was defeated; but his eloquent language increased the determination of the abolitionists and excited the enthusiasm of the country. The men of Yorkshire, sharing

the convictions of the nation, selected him as their representative, loudly cheering the promise which he gave them, to tear up the noxious plant of slavery, whose roots he had been already able to loosen.[1]

Brougham's action had raised the abolition question into one of first-rate importance. It was one thing for a private member to pledge himself to secure the freedom of slaves; it was another for the most powerful member of the House of Commons—who was raised immediately afterwards to a prominent position in the Administration—to advocate abolition. The colonists understood that the general election of 1830 and the formation of the Grey Ministry had made emancipation a mere question of time. The planters, however, had two circumstances in their favour. In the first place, a Ministry which had the Reform Bill on its hands had not much leisure to devote to other subjects; and, in the next place, Goderich, who succeeded Murray at the Colonial Office, was a more timid friend to the negro than his honest predecessor. Buxton, in 1831, again found it necessary to draw attention to the subject. He was able to add one more argument to the many reasons which he had urged on other occasions for the abolition of slavery. The planters were themselves terminating slavery by destroying the slaves. In the free State of Hayti the negroes had doubled their numbers in twenty years. In the British West Indies the slave population had decreased in the same period from 800,000 to 700,000. Slavery was obviously impossible when it was no longer recruited by the slave trade. Old-fashioned Tories might still affect to believe that the emancipation of the slaves would loosen the ties by which all property was held. Tory lords like Wynford, with experience on the seat of justice, might still repeat these arguments in the House of Lords.[2] The

Buxton in 1831.

[1] See *Hansard*, New Series, xxv. pp. 1171, 1187, 1214; and *Ann. Reg.*, 1830, Chron., p. 126.

[2] 'God forbid,' said Lord Wynford, who had been Chief Justice of the Court of Common Pleas, 'that there

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gradual decrease in the number of the slaves was depriving them of all their value. The property which retired Chief Justices were defending was melting away under the lash of the driver and the rays of a West Indian sun.

Ministers, however, were not prepared to give an unconditional assent to Buxton's reasoning. Instead of doing so they preferred to bribe the colonies into compliance with the wishes of Parliament. Althorp met Buxton's proposal by suggesting that the colonies which ameliorated the condition of their slaves should be allowed to import their sugar into Britain at lower rates of duty.[1] The debate at which this singular suggestion was made was adjourned. Before it was resumed Parliament was dissolved. The time of the new House which was almost immediately elected was occupied with the Reform Bill. The Ministry, however, took steps to give effect to Althorp's suggestion. In August an order was sent out to the colonies for the manumission of the slaves which were the property of the Crown. In December the Colonial Minister announced in a circular despatch to all the colonies the intention of the Government to arrange measures of substantial relief to the West Indian interests; the relief, however, to be dependent on the Colonial Legislatures declaring the Order in Council already in force in the Crown colonies to possess the force of law.' The Government, Goderich added, could not permit the Colonial Legislatures to make even verbal alterations in the wording of the Order.[2]

Rumours of what the Government was proposing

should be anything like a forcing of the master to abandon his property in the slave. Once adopt this principle and there was an end of all property.' *Hansard*, vol. xii. p. 630. It may be doubted whether a more detestable doctrine, or one more opposed to the spirit of the laws which it had been Chief Justice Best's duty to enforce, was ever delivered by an ex-Chief Justice in the House of Peers.

[1] *Hansard*, vol. iii. p. 1423; and vol. xi. p. 820. *Buxton*, p. 261.

[2] For the manumission of the Crown slaves see *Hansard*, vol. vi. p. 160. For Lord Goderich's despatch, Parliamentary Papers, session 1831-2, vol. xlvi. p. 193.

reached the ears of the slaves in the West Indies. The manumission of slaves the property of the Crown was exaggerated into a report that the Crown had ordered the manumission of all slaves. It was thought that the great King of England had ordered that they should be set free on Christmas Day, 1831; and the negroes in Jamaica, deluded by these rumours, and fancying that the king's order had been withheld, met together on the 21st of December and refused to resume work. The 'insurrection' broke out in the first instance on a plantation known as the Salt Spring Estate, in the west of the island. It spread rapidly among the negroes of the neighbourhood. These men, meeting together in gangs, burned the plantations and destroyed their masters' property. The usual pitiless measures were taken to restore order. Troops were moved into the disturbed districts; martial law was proclaimed; the rioters were shot down; the more prominent among them who were taken were either flogged or shot; and peace was restored by these measures of severity.[1]

The Jamaica rebellion.

Considerable damage had been caused to the planters during the progress of the insurrection. Their property had been destroyed, and they were, perhaps naturally, angry. The Jamaica Assembly threw the whole blame on the king's Government. 'The primary and most powerful cause' of the rebellion—so they resolved—was the 'unceasing and unconstitutional interference of his Majesty's ministers with our local Legislature.'[2] The action of the British Ministry almost justified this censure. They voted a large sum of money to replace the losses which the planters had incurred. They assented to a proposal, made by Lord Harewood, for the appointment of a Lords' committee to enquire into the

[1] For an account of the rebellion see Parliamentary Papers, session 1831–2, No. 285. vol. xlvii. pp. 272 *sq.* Lord Belmore's despatch upon it is printed in *Ann. Reg.*, 1832, Chron., p. 286.

[2] The report of the Jamaica Legislature will be found in Parliamentary Papers, session 1831–2, No. 561, vol. xlvii. p. 181.

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condition of the West Indian interest; and in the meanwhile they insisted on postponing all future legislation respecting slaves.[1]

Increased sufferings of the slaves.

Dilatory tactics had up to this time been pursued to the utmost possible extent. For nine years the Legislature had been pledged to take steps for the ultimate abolition of slavery; yet, for all practical purposes, nothing had been done. Female slaves could still be flogged publicly and indecently; weak slaves could still be worked up to the pace of their stronger comrades by the whip of a brutal driver; and no material steps had been taken to alleviate the inevitable miseries of a life of bondage. In one respect, indeed, the last state of the slaves' lot was worse than the first. Up to 1815 the prosperity of the colonies had been so great that the planters had been willing to be humane. The rapid decrease of their trade after 1815 made them try to avoid ruin by exacting harder work from the slaves; and the tasks of the unfortunate negroes, like those of the Israelites of old, were continually increased. Nor were the steps which the British Government took to insure humanity in the Crown colonies attended with much success. The arbitrary use of the whip in the field was often accompanied with many abuses. But the knowledge that it was ever ready to fall on the shoulders of a lagging workman kept the line continually even. When the drivers were forbidden to carry it, lazy work could only be punished by subsequent floggings. The chance of a severe flogging twenty-four hours afterwards proved a less powerful stimulus than the certainty that idleness would be met by an immediate application of the lash. The abolition of the whip in the field was, in consequence, followed by a horrible

[1] For the grant to the Jamaica colonists see *Hansard*, vol. xiii. p. 1173. For the appointment of Lord Harewood's committee, *ibid.*, vol. xii. p. 631. Brougham, as Chancellor, presented a petition against delay signed by 135,000 persons. *Ibid.*, vol. xiii. p. 6. A committee was also appointed by the House of Commons. *Ibid.*, p. 98.

increase in regular floggings; and these floggings were increased in number and severity every year.[1]

Such was the position of the slavery question throughout the whole of 1832. In 1833 the last excuse for further delay had expired. The Legislature was no longer occupied with the work of reforming its own constitution: it had leisure to devote to other subjects. No question had excited a wider, a longer, or a deeper interest than that of negro slavery; and the country, therefore, expected that emancipation would engage the immediate attention of the Ministry. Parliament met; and, to the surprise and annoyance of the abolitionists, no reference to abolition appeared in the Speech from the throne. The king, like all his family, had always opposed the freedom of the slaves; the Colonial Minister was irresolute; many of his subordinates were disposed to adopt the customary course of supporting existing institutions; and the Prime Minister, hampered with other business, had not strength to overcome the irresolution of his Colonial Secretary and the passive resistance of the Colonial Office.[2] The long Speech from the throne was full of promises, but it had no promise for the slaves. The silence of the Speech did not, however, save the Ministry. Buxton at once gave notice of a motion on the subject for Tuesday, the 19th of March; on the following evening he formally asked the Government whether they intended to initiate any measure themselves. Ministers were compelled to reconsider their decision, and to undertake to introduce a safe and satisfactory measure.[3]

The position of the slave question in 1833.

[1] This was clearly explained by Stanley in *Hansard*, vol. xvii. p. 1193. There were 69,000 slaves in Demerara alone; 200,000 registered stripes were inflicted on them annually. Thirty-nine lashes with the whip were said to equal 300 with the cat. *Hansard*, vol. xiii. pp. 46, 47.

[2] These difficulties will be found described in *Spencer*, p. 469. There were, of course, many officers in the Colonial Office—Lord Howick, the Parliamentary Under-Secretary, and Stephen, for example—who were warm advocates of abolition.

[3] These proceedings are not reported in *Hansard*. See, however, *Buxton*, pp. 302, 303.

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Promises are easily made. It is not always easy to redeem them. Every day that passed made it more difficult for the Ministers to carry out the pledge which they had hastily given. The 19th of March came. The embarrassments of the Ministry were extreme; and Althorp was compelled to ask Buxton to defer his motion. Buxton very naturally declined to give way unless the Ministry named a specific day for the debate; and Althorp fixed the 23rd of April, promising that the Government would explain their views on that day.[1] The Ministry had gained five weeks' delay by this arrangement. If, however, no changes had been made in the Cabinet five weeks would, probably, have been insufficient for overcoming Goderich's irresolution. But before the five weeks were over Goderich had been promoted to the Privy Seal and an earldom; and Stanley had become Colonial Minister. The new Secretary of State was admirably qualified for the task which was thrust upon him. Bold to a fault, intolerant of opposition, decisive in council, eloquent in debate, resolute in difficulty, he was capable of overcoming the scruples of his department and the fears of his more timid colleagues. He obtained an additional three weeks to perfect his information; and, on the 14th of May, he rose to explain the principles on which slavery should cease throughout the British dominions.

Stanley succeeds to the Colonial Office.

Stanley's Abolition Bill.

The speech in which the minister unfolded his proposals stamped his reputation for eloquence and ability. The House, indeed, was accustomed to his majestic periods. But Stanley's oratorical triumphs had hitherto been gained in fields where familiarity with his subject had given him a great advantage over his rivals. He had, at last, succeeded to an office in which he had no previous experience, and to a task for which he had undergone only a short preparation. In six weeks he had

[1] *Hansard*, vol. xvi. p. 826.

made himself master of his subject, and was eager for the contest. He detailed the history of the question from the great debate of 1823. He showed how studiously the Ministry had endeavoured to persuade the colonies to improve the lot of their slaves; how recklessly and rudely the planters had again and again refused to accept the warnings which had been again and again held out to them; he dwelt on the horrible facts which the abolitionists had constantly brought forward; and he deduced from these premisses that the time for expostulation was gone for ever, and that the time for action had arrived. These arguments had constantly been repeated by Buxton and his fellow-workers. They derived fresh force when they were set off by the splendid eloquence of Stanley. The abolitionists themselves had never appreciated the irresistible strength of their cause till they had the opportunity of hearing their own arguments from the mouth of the Colonial Minister.[1]

It was one thing, however, to prove the propriety of emancipating the slaves: it was another to devise the manner in which their emancipation was to be effected. Hardly anyone desired to inflict the irreparable injury on the colonists which the immediate emancipation of 750,000 slaves would occasion. The course which Buxton had recommended in 1823, and which many abolitionists preferred in 1833, was the gradual termination of slavery by declaring all children born after a given date to be free. This scheme, however, did not commend itself to Stanley. He thought its operation too remote, its inconveniences too certain, to justify its adoption. He doubted the propriety of condemning the existing slaves to lifelong slavery. He thought that

[1] Buxton applied to himself Cowper's lines to Mrs. Courtenay:—

'My numbers that day she had sung,
And gave them a grace so divine,
As only her musical tongue
Could infuse into numbers of mine.
The longer I heard, I esteemed
The work of my fancy the more,
And e'en to myself never seemed
So tuneful a poet before.'

(See *Buxton*, p. 323.)

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their lot, miserable already, would become intolerable if their younger brothers or their children were working with them as freemen. Slave labour and free labour could not, in his judgment, co-exist side by side, and the Legislature must choose between the two. Instead of Buxton's system Stanley proposed an intermediate state, in which the negroes should be neither free nor slaves. He desired to apprentice them for twelve years to their former owners, to give their masters three-fourths of their time during that period, and to appoint magistrates empowered to flog them for any refusal to work. He hoped to secure the assent of the colonists to these arrangements by granting them a loan of 15,000,000*l.*[1]

The apprentice system.

The scheme was at once assailed from all sides. The West Indians were furious with Stanley for doing so much; the 'Saints' were annoyed with him for doing so little. The former thought a loan of very little use; the latter thought an apprenticeship enforced by what O'Connell called 'flogging magistrates'[2] differed only imperceptibly from slavery. The moment that Stanley sat down Lord Howick rose to object to the proposal for apprenticing the slaves. Lord Howick's opposition was for many reasons injurious to the Ministry. He was the eldest son of the Prime Minister; he had proved the sincerity of his convictions by resigning the situation in the Colonial Office which he had held since the formation of his father's Administration.[3] His views were naturally supported by Buxton and the abolitionists, and Stanley was ultimately compelled to reduce the period of apprenticeship from twelve to seven years.[4]

[1] For Stanley's speech see *Hansard*, vol. xvii. p. 1193. For the loan, *ibid.*, p. 1226. For the apprentice plan, *ibid.*, p. 1227.

[2] The expression will be found in *Hansard*, vol. xix. p. 1213.

[3] For Lord Howick's speech see *Hansard*, vol. xvii. p. 1231. He was succeeded as Under Secretary to the Colonies by Mr. Lefevre, better known afterwards as Sir John Lefevre. Lord Howick afterwards accepted the Under-Secretaryship of State in the Home Office, which became vacant some months later through the death of G. Lamb.

[4] *Hansard*, vol. xix. p. 1256. The term of apprenticeship for prædial slaves was to be seven years, for non-prædial slaves five years.

This concession did not satisfy the abolitionists,[1] but it was a compromise, and accepted with the favour with which compromises are usually regarded by representative assemblies. In the same way the planters were conciliated by another compromise. They objected to the loan of 15,000,000*l.*, but they offered to accept a free gift of 20,000,000*l.*[2] The Government concluded that it was desirable to purchase their consent, and in consequence recommended Parliament to grant the 20,000,000*l.* which the slaveowners desired.[3] These two concessions—the one to the planters, the other to the 'Saints'—insured the safety of Stanley's measure. It passed the House of Commons on the 7th of August.[4] A fortnight afterwards it was read a third time in the House of Lords.[5] The Legislature had at last decided that the stain of slavery should be for ever removed from the British empire.

The bill passed.

Slavery was to cease from the 1st of August, 1834. Abolitionists and planters awaited the day with anxiety. Predictions had been constantly hazarded that the slaves would celebrate their freedom by acts of riot and disorder. Poor ignorant negroes, suddenly enfranchised after years of bondage, could almost be excused for inaugurating their new-found liberty with temporary excesses. Fortunately these predictions were not realised. The missionaries, so long the object of unreasoning distrust in the colonies, exerted their influence to check disorder among their congregations. The long months of waiting were passed in unusual tranquillity. The day of emancipation arrived, and was celebrated as a universal holiday. On the eve of it every church and chapel in the West Indies was crowded with congrega-

The termination of slavery.

[1] Buxton wished to limit the apprenticeship to a year, and was only beaten by 158 to 151. *Hansard*, vol. xix. p. 1218.

[2] *Ann. Reg.*, 1833, Hist., p. 196.

[3] *Hansard*, vol. xx. pp. 129, 1206. Stanley estimated that the average value of a slave was 38*l.*, and that the grant of 20,000,000*l.* was equivalent to a vote of 37*l.* 10*s.* for each slave.

[4] *Ibid.*, p. 411.

[5] *Ibid.*, p. 784.

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tions of slaves, and as the midnight hour struck from every place of worship in these colonies, the hymn of praise was raised to the God of the white man, the God of the black; the God of the free man, the God of the slave.

It will be seen, in a later chapter of this work, that the thanksgiving of the negroes was, unfortunately, premature, and that their lot as apprentices was little better than their lot as slaves. Even Parliament, however, could not anticipate the cruelties of which a West Indian planter was capable, and was more interested in watching the effects of abolition on trade than its consequences to the slaves. The West India trade, it was observed, declined; but its decline had commenced long before the emancipation of the negroes. It had been stimulated into an unnatural activity by the war, which had given British colonists a monopoly; it had dwindled during the peace, which had again exposed them to competition. West India proprietors, however, could not be expected to admit this explanation. They forgot that the ruin of their property had commenced in 1815, and unanimously attributed it to the emancipation of the slaves which was effected in 1833.

A reformed Legislature, in its first session, had gained the distinction of abolishing slavery; but the foundations of the work which was thus concluded had been laid in an unreformed Parliament. The Legislature, in fact, had done little more than register the decrees of an increasing majority of the people; and the slaves owed their freedom neither to Stanley nor to the Liberal party, but to the kindly feelings which were the distinguishing characteristics of the rising generation. The wave of thought which had swept away the harsher features of the Criminal Code, which had reformed the prisons, which had protected the dumb animals, had borne Buxton and his fellow-workers to the goal which

had enabled them to terminate slavery. The slave, however, was not the only person in the British realm whose lot was hard. In every manufacturing city in England there were hundreds and even thousands of persons whose lot was in some respects more intolerable than that of the slaves. The abolitionists had shamed the nation into recognising the cruelties inflicted on the negro. Up to 1830 hardly a single person had drawn attention to the harsher cruelties inflicted on British children in British factories.

Factory children.

An attempt has been made, in the early part of this history, to trace the great industrial revolution which was the immediate result of the inventions of the eighteenth century. These inventions enriched the country; but, in the first instance, they inflicted considerable hardships on the labouring poor. They 'multiplied the nation' and did 'not increase the joy.'[1] The textile trades, which had previously been scattered throughout the country, were aggregated into the great towns; and the weaver, whose cottage had been his factory, and whose handloom had been his only implement, found himself beaten by the great manufacturer, whose machinery enabled one pair of hands to do the work of ten men. The weaver was compelled by the force of circumstances to migrate to the nearest town, and, instead of maintaining himself by his independent exertions, to accept wages from a great capitalist. The lamentable change which thus occurred was attended with another unfortunate consequence. When machinery was employed to perform the heavier operations of weaving or spinning it was found that the lighter portions of the work could be done by very young children. Child labour was, of course, cheaper than adult labour. In the race for wealth the manufacturers thought it absurd to pay a man a shilling for

[1] Isaiah's beautiful phrase was thus applied by Sadler. *Hansard*, vol. xi. p. 875.

work which a child could be got to do for a penny; and children were consequently swept, almost as soon as they could walk, into the factories.

The apprentices.

In the first instance the children were usually obtained from a distance. The local authorities of London thought it a wise measure to relieve themselves of a redundant population by sending waggon-loads of miserable children into Lancashire. It was nothing to them that the best feelings of the human race were violated by the forced separation of these infants from their parents. 'Saints' might persuade the Legislature to prohibit the dispersion of the slave family. There were not a dozen men in Parliament who objected to the enforced separation of the family of the free man who happened to be a pauper.[1] It was true that if the child had the misfortune to fall into the hands of a bad master it was doomed to a life of suffering, if a boy; to a life of shame and suffering, if a girl. What had local authorities, whose business it was to reduce the poor rates, to do with the future lot of the children whom they got rid of? What had they to do with the feelings of their miserable parents? The London pauper was usually depraved: could anything be either wiser or better than to remove his child from the influence of his depraved example?

The children of the factory towns.

Fortunately for the London children the demand for apprentices gradually slackened. The population of the manufacturing counties increased. Children swarmed in the streets of every large town; and the manufacturers found it cheaper to employ children from their own neighbourhood than to send for apprentices to London. The local children enjoyed, at any rate,

[1] See *ante*, vol. i. p. 188. If anyone will take the trouble to enquire into the lot of a London boy apprenticed at the present time to a Grimsby smack-owner, who has the misfortune to obtain an ill-tempered master, he will doubt whether the local authorities of 1880 are much more humane than the local authorities of sixty years ago.

the advantage that they were not separated from their own homes. In every other respect their lot was miserable. The majority of them did not, indeed, commence work till nine years of age; but there were many employed under seven; still more who were under eight. It was not uncommon for them to be sent into the factories at six years old; and in rare instances they began work at five. The hours of labour were usually not less than twelve; they were occasionally thirteen. Half an hour's interval was allowed for dinner, and another half hour for tea; but, by a cruel wrong, the child was expected to clean the machinery in meal-times. In most factories a rule existed that any lost time due to the stoppage of machinery should be made up by extra work. Extra work, therefore, constantly prolonged the labour to fourteen hours a day.[1]

Unfortunately for the cause of humanity the mind of man is incapable of realising an aggregation of misery. Good people, who can feel for the sufferings of a single individual, are unable to comprehend the affliction of thousands. The account of a bad accident is more painful to most people than the description of a battlefield. In the same way the recital of the wrongs of myriads of children is, perhaps, less intelligible than the story of the sufferings of a single child. The parent who would endeavour to realise the life of a factory child of 1832 should try to imagine his own little boy or his own little girl—eight or nine years old —working in a factory. He should try to recollect that it would be his duty to rouse the child on a cold winter's morning at five, in order that it might be at its

Their sufferings.

[1] See report, Factory Commission, session 1833, Parliamentary Papers, No. 450, pp. 7, 11, 12, 15. The facts are purposely taken from that report, because the conclusions of the committee which preceded it were regarded by the manufacturers as unfair. The employment of children of seven years old was openly resorted to. In 1833 Duncombe read in the House of Commons an advertisement from a Macclesfield paper of 1825 for 4,000 or 5,000 persons from seven to twenty years old. *Hansard*, vol. xvii. p. 110.

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work at six; that, day after day, week after week, month after month, it would be forced to rise at the same hour; that, with two short intervals of half an hour each, it would be kept to its dull, monotonous employment for thirteen hours every day; that, during the whole of that time, it would be breathing a dusty, unwholesome atmosphere, rarely able to relieve its tired limbs by sitting down. Such, upon evidence which it is impossible to dispute, was the life of every factory-child before 1833. There were tens of thousands of such unfortunates in England alone. And yet there were men, and good men, living who were capable of defending this monstrous system.

A child's life in what was deemed a well-managed factory was terrible. It is difficult to find an epithet descriptive of a child's life in an ill-managed factory. There the child was introduced, not merely into the unwholesome air of the mill, but into the vicious atmosphere of a degraded society. There, kicked and beaten by the operatives, it was compelled to listen to brutal language. In these mills young girls were constantly employed till eleven at night;[1] and, as darkness came on, the factory was little better than a brothel.[2] There, also, two short intervals of half an hour only were allowed for meals. But the greedy employer frequently tampered with the clock, and the minute-hand was made to 'tumble down,' and thus minimise the interval of rest.[3] Child-labour was a drug in the market; and no one, therefore, gave much thought for the health and life of a poor man's child.

A little, indeed, had been done to alleviate this load of misery. At the beginning of the century an epi-

[1] See, for instance, William Cooper's evidence before the House of Commons' Committee, Parliamentary Papers, session 1831-32, No. 706, pp. 1-13.

[2] *Hansard*, vol. xi. p. 369.

[3] This statement, again, rests on the authority of the Factory Commissioners, p. 8.

demic, directly attributable to the unhealthy condition of the mills and the treatment of the children, broke out in Manchester among the factory apprentices. A law was passed in 1802 which required the walls of factories to be whitewashed, which restricted the hours of labour to twelve a day, and which forbade the continuance of work beyond nine at night, its commencement before six in the morning. The Act, however, only applied to mills in which apprentices were employed, and was, therefore, very partial. In 1816 the first Sir Robert Peel had the merit of introducing a rather wider measure. He obtained a select committee which recommended that no child should be employed in any factory for more than ten hours a day. The Lords were alarmed at so unprecedented an interference with the rights of labour, and restricted the bill to cotton mills, extending the hours of work to twelve daily. Some years afterwards Sir J. Hobhouse obtained for the factory child a quarter of a holiday on each Saturday. Twenty-five years of legislation had at last resulted in decreeing that the labour of a little child of nine who had the comparatively good fortune to be employed in a cotton factory should not exceed sixty-nine hours in one week.[1]

First factory legislation.

Factory children, however, were not all lucky enough to be employed in cotton factories. The power-loom and the waterframe were applicable to all the textile industries, and thousands of children were working in the wool factories of Leeds and the silk mills of Macclesfield. The few and inadequate regulations which applied to the cotton trade were not applicable to these industries, and the unfortunate children employed in them were at the mercy of their masters.

[1] The history of previous legislation is traced in *Hansard*, vol. xvii. p. 85. Sir Robert Peel's share in the first Factory Bill has been already referred to. See *ante*, vol. i. p. 188, and note.

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But a singular chain of circumstances for some years prevented any effectual interference with the customs of the textile trades. The Tory party was constitutionally reluctant to attempt reforms of any kind; and most of its leading members, gentlemen of position and wealth, were ignorant of the conditions on which the textile industries were carried on. The Whig party, on the contrary, was ready enough to suggest reforms, but it was nervously afraid of interfering with the freedom of labour. Its leading members failed to perceive that, as a little child is not a free agent, the laws which Adam Smith had laid down, and which Huskisson had enforced, could not be applicable to the labour of little children.

Reasons which interfered with the proposal of remedial legislation.

Among the members, however, who had recently been returned to Parliament was a gentleman whose abilities and whose eloquence gave him a position in the House of Commons which his age and his opinions would not otherwise have gained for him. Michael Thomas Sadler was elected for the Duke of Newcastle's borough of Newark in the spring of 1829. He was rejected for the great borough of Leeds in December 1832. His Parliamentary career, therefore, scarcely extended over four years. His first election was memorable for the cruel proceedings which the Duke adopted against those of his tenantry who voted against his wishes, and which he had the folly to justify by the historical enquiry, 'Have I not the right to do what I like with my own?'[1] The Duke would have found a better justification for his conduct in the ability of the gentleman whom he had chosen to represent his borough. Almost immediately after his election Sadler delivered a speech which won for him the enthusiastic admiration of the old Tory party.[2] During his short

Sadler.

[1] See *ante*, vol. i. p. 142.

[2] See Greville's account of this speech in *Greville*, vol. i. pp. 190, 191.

Parliamentary career he maintained the reputation which he thus acquired, and was uniformly regarded as one of the most capable exponents of the narrow views by which the extreme Tories were animated.

There was, however, one class of subjects on which Sadler's views did not correspond with those which were usually embraced by the Tory party. The country gentlemen were generally ready to sacrifice the rights of the poor by enclosing common after common. Sadler, on the contrary, based his political economy on the poetry of Goldsmith, and hated the selfish views which were converting the Auburns of England into desolate wheat-fields. He longed for the ideal state of society which he had remembered in his youth: when every cottager had a cow; when every cottager's wife had a spinning-wheel; when agriculturists were ignorant of the rotation of crops; and when the yarn was spun and the cloth was woven by manual labour alone.[1] Views of this sort were, of course, impracticable. It was as impossible to revert to the old-fashioned systems of production as it was to preserve the old-fashioned system of representation, which Sadler was concurrently defending. Machinery had altered the condition of society, and the wisest men accepted the alteration. Sadler's opinions did honour to his heart; they did little honour to his head.

The first Factory Bill.

Sadler had drawn attention to the miserable condition of the poor in the summer of 1831. On the 15th of December of that year he introduced a bill to regulate the labour of factory children. He proposed that no child under nine years of age should be employed for more than ten hours a day. Ten hours, said Sadler, was the limit of the labour of an adult felon. Could any person pretend that a little child should be required to perform harder work than a

[1] For Sadler's views on these subjects see *Hansard*, vol. viii. p. 517.

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convict? The House of Commons, however, hesitated to accept the measure, and only assented to its second reading on condition that it was referred to a select committee.[1] In one sense, however, the appointment of the committee was a very fortunate circumstance. Its enquiry was protracted throughout the session, and its investigations revealed a state of misery which even Sadler had not disclosed. Medical authorities came forward to explain the terrible consequences of long hours of work in ill-ventilated factories. Operatives came forward to recount the story of their own sufferings as children, and to show the distorted limbs which had been the legacy of early and heavy work.[2] The committee, merely reporting the evidence, without comment of its own, made a bill of factory reform a necessity. Unfortunately, however, the report was made at too late a date to receive attention in the unreformed Parliament. The first efficient Factory Bill was reserved for a reformed Legislature, and for other hands than Sadler's. Sadler sought the suffrages of the electors of the great borough of Leeds, to which two members had been given by the Reform Act. One of the seats was certain to be gained by Marshall, a local Liberal. For the other a sharp contest ensued between Macaulay and Sadler. It would have been difficult to have selected two better representatives of the old system which had crumbled away and the new system which had replaced it. Both candidates enjoyed a reputation for ability and eloquence which had been obtained by few of their contemporaries. Sadler had rarely spoken in Parliament without affording proof of the excellence of his disposition. Macaulay had never spoken without exciting admiration at his knowledge

The Factory Committee.

[1] See *Hansard*, vol. ix. p. 255; vol. x. p. 104; and vol. xi. pp. 340 and 398.

[2] The committee's report, in Parliamentary Papers, No. 706, session 1831-2.

and his eloquence. The young Whig gained an easy victory over the old Tory—'this fellow,' as Macaulay contemptuously called him. The reformed House of Commons gained the immense advantage of Macaulay's assistance. Even Liberal politicians, however, may feel regret that the House which welcomed Macaulay should have found no place for Sadler, and that the conduct and credit of the measure which Sadler had originated should have passed into other hands.[1]

Sadler defeated at Leeds.

Great measures never fail from lack of exponents, and Sadler's place was immediately occupied by a younger man. At the commencement of the session of 1833 Lord Ashley, the eldest son of Lord Shaftesbury, gave notice of his intention to introduce a Factory Bill.[2] His bill forbade the employment of children under nine years of age; it forbade the employment of young persons under eighteen years old for more than ten hours a day; it provided for the appointment of inspectors to enforce the law, and for the education of the children employed. The manufacturers, however, refused to accept a measure which, they fancied, might interfere with their profits. Lancashire was alarmed at the prospect which humanity held out to it. The Northern division of the county was represented by Stanley, the Colonial Minister, and Mr. Wilson Patten; the Southern division by Wood and Lord Molyneux, the eldest son of Lord Sefton. Mr. Wilson Patten and Lord Molyneux were persuaded by their constituents to urge the appointment of a Royal Commission, charged with the duty of enquiring into the necessity for the new law. The investigations of Sadler's committee, it was argued, had been confined to the case of the workmen; it was only just that the masters should have an opportunity of replying to them. These arguments

Lord Ashley takes up factory reform.

[1] The history of the Leeds election will be found in Trevelyan's *Macaulay*, vol. i. p. 287. Cf. *Life of Sadler*, p. 407,

[2] *Hansard*, vol. xv. p. 391.

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were addressed to willing ears. On the 3rd of April the House, by a majority of one, carried the appointment of the Commission. Every member who voted in the majority probably imagined that factory legislation had been effectually postponed for another year.[1]

A Royal Commission appointed.

The commission, however, which was immediately appointed, lost no time in proceeding to its duties. Some of its members repaired to the manufacturing districts of Scotland, others to the various seats of the textile industries in England, and in this way they succeeded, in an incredibly short time, in collecting a mass of information. Melbourne quickened their steps by letters from the Home Office, and, two months after their appointment, insisted on their reporting to him in a week.[2] The voluminous report, however, was not in the hands of members on the 5th of July, when the Factory Bill was again before the House; and Althorp, anxious to secure the co-operation of the manufacturers, proposed that it should be again referred to a select committee. Even his influence, however, could not insure the success of a procrastinating proposal. He was beaten by a considerable majority.[3] Thirteen days afterwards, however, he was more successful in limiting the application of the ten hours clause to children under thirteen years of age.[4] Discouraged by this defeat, Ashley gave up the further conduct of the Bill. Remodelling it, Althorp decided on limiting the labour of children under thirteen years of age to eight hours a day, and of extending the hours of work of young persons above thirteen and under eighteen to twelve a day, or sixty-nine a week.[5] The bill thus amended became

[1] The motion was carried by 74 votes to 73. *Hansard*, vol. xvii. p. 113.

[2] See the Commissioners' report.

[3] 164 votes to 141. *Hansard*, vol. xix. p. 254.

[4] *Ibid.*, p. 913.

[5] Cf. *Ibid.*, vol. xix. p. 887; and vol. xx. p. 449. It is worth while adding that, in 1836, Poulett Thomson endeavoured to exclude children from the age of 12 to 13 from the operation of the Act. He was resisted by Lord Ashley, and, though supported by Stanley and Peel, only carried the second reading of his bill by 178

law, and constituted the first of the many great measures of factory reform.

The new Parliament, in its first session, had thus accomplished three great measures of reform. It had remodelled the Irish Church; it had abolished slavery; it had regulated factory labour. Commercial measures of the first importance, which will be more conveniently related in future chapters, had simultaneously occupied its attention. They had resulted in the revision of the charter of the Bank of England, and in the termination of the monopoly which the East India Company, up to that period, had enjoyed. Labours of such magnitude necessarily threw an unprecedented amount of work on the House of Commons, and the House sat, during 142 days, for 1,270 hours. In no previous session had its sittings extended over 988 hours.[1] These protracted sittings had necessarily increased the labours of the Ministry. No previous Administration had ever accomplished so many reforms as the Grey Cabinet had effected in a year. Yet the ministers who had reformed Parliament, who had remodelled the Irish Church, who had abolished slavery, who had terminated the monopoly of the East India Company, and who had reconstituted the Bank of England, had lost their popularity and had incurred the contempt of their supporters.[2] This result was partly inevitable. Heroic legislation brings its authors much posthumous fame, but every heroic measure excites hostility against its originators. West Indian proprietors were vehement in their opposition to a Ministry which had abolished slavery; the clergy were loud in their complaints of a Government which had placed its sacrilegious hands on the Irish Church; the manufacturers grumbled at the Factory Act; the Radicals at the

The Factory Act passed.

Decreasing popularity of the ministry.

notes to 176. *Hansard*, vol. xxxiii. p. 737–788. The narrow majority taught him prudence, and he dropped his bill. *Ibid.*, vol. xxxiv. p. 306.

[1] The facts will be found in *Hansard*, vol. xx. p. 907.

[2] See *Brougham*, vol. iii. p. 269.

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Coercion Act. The lawyers objected to the reforms which Brougham was initiating, and rallied in support of the Lords who had thrown out the Local Courts Bill. From all sides ministers became the subject of attack. Unfortunately for themselves, they seemed indifferent to abuse, and reluctant to reply to it. With one prominent exception, they sat, night after night, in sullen silence. Althorp, hating office, refused to struggle for its retention. Palmerston, labouring under the anxieties of his department, cared little for internal policy; Graham, alarmed at the reforms which the Government was proposing, refused to defend them; and the brunt of every battle accordingly fell on Stanley.[1] Nothing could have been more unfortunate for a Whig Ministry. The warmest cheers which greeted Stanley came from the Tory benches: his most splendid exertions were made in defence of measures which thoroughgoing Liberals disliked. Every speech which Stanley made enhanced his own reputation, but almost every one of his speeches widened the breach which was already separating the Government from its supporters.

Increasing popularity of the Conservative leaders.

At the very period when the Government was falling into disrepute the populace began to display new feelings of confidence in the Opposition. The people, fickle to a fault, could not be expected permanently to forget the great services of the Tory party. The old Tory party, indeed, represented by the Eldons and the Sidmouths, was as unpopular as ever; but the new Tory party, which was led in the one House by the greatest soldier of the age, which was led in the other House by the most accomplished statesman of his age, was gaining the favour of thoughtful people. The reaction which was thus taking place was favoured by the prudent conduct of Peel. Separating himself from the violent members of his own party, resisting the violent members of the

[1] See *Brougham*, vol. iii. p. 266.

Radical party, Peel continually gave fresh proofs of the moderation of his views and of the superiority of his powers. His influence was continually increasing, while Althorp's authority was constantly waning: till, at the end of the session, the leader of the minority spoke with almost as much weight as the leader of the majority.[1] It was inevitable that the Conservatives should recover popularity when their leader was universally recognised as the most competent statesman of his age. Their increasing popularity was first shown by the altered demeanour of the people towards Wellington. In 1832 Wellington had been assailed with a violence which was as indecent as it had been undeserved. His windows had been broken by the mob; and, on the anniversary of his crowning victory, his life had been actually in danger, and had only been saved by the interposition of the police.[2] In 1833 the people repented of their violence. They forgot the Duke's famous speech on Reform, they recollected his famous victory, and thought with shame of their own ingratitude. Resuming their former habits, instead of assailing him with hisses and reproaches, they uncovered as he passed; when he rode in the Park, the sitters rose as he went by; when he went out hunting at Strathfieldsaye, the people made way for him. Some persons, more impetuous than the rest, even cried 'God bless him!' as he walked through the streets, and no Radical ventured to say nay to the prayer. In 1832 the Duke had been upbraided by the people; in 1833 he was treated with a reverence which was hardly extended to the King.[3]

The most careless observer could see symptoms of the increasing popularity of the Conservative party. All that the Grey Ministry had done and all that it had left undone had raised up enemies against it; and its un-

[1] *Greville*, vol. ii. p. 373.
[2] *Ann Reg.*, 1832, Chron., p. 76.
[3] Gleig's *Wellington*, vol. iv. p. 66; and *Greville*, vol. ii. p. 372.

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popularity had been further increased by the ill-success which attended its financial measures. Sanguine economical reformers had anticipated the best consequences from Althorp's accession to the Exchequer. Althorp had always promoted economy; he had always supported free trade; and it was naturally concluded that he would apply in office the principles which he had laid down in Opposition. The expectations which were thus formed compelled him, at the very outset of his career as finance minister, to propose the ambitious Budget of 1831. The story of that Budget has already been related.[1] The minister was defeated on all its most prominent details, and was obliged to satisfy himself with a moderate and unsensational proposal. The alterations which were thus made compelled him towards the close of the year to make a second financial statement. In his original Budget he had placed the revenue at 47,150,000*l.*, and the expenditure at 46,850,000*l.* In his amended Budget he placed the revenue at 47,250,000*l.*, and the expenditure at 46,750,000*l.*[2] These anticipations, unluckily, proved wholly delusive. The revenue of the year only amounted to 46,424,440*l*; the expenditure reached 47,123,297*l.* The surplus, promised in the autumn had become a deficit in the spring, and Althorp's reputation was naturally damaged by the error in his calculations.[3]

Althorp's failure as a financier.

The Budget of 1832.

Fortunately for Althorp the debates on the Reform Bill diverted the attention of most persons from finance. The Budget of 1832 was postponed, and was not again brought forward till the close of July. This postponement made it certain that no great financial measures would be attempted by the minister. The tale which Althorp had to tell was, in fact, a very simple one. The position of the Treasury had not improved since

[1] *Ante*, vol. ii. p. 634. [2] *Hansard*, vol. xiv. p. 849.
[3] *Hansard*, vol. vii. p. 1031.

the conclusion of the financial year. The deficit, which had amounted to about three-quarters of a million in January, had reached a million and a quarter in April.[1] The position was critical. The Ministry decided on meeting the crisis by a large reduction in the expenditure of the State. The army and navy estimates were hastily reduced, and a dwindling revenue was, in this way, made sufficient for the purposes to which it was applicable. Large reductions of expenditure, however, were not the only means which were taken in the crisis to avert the financial difficulty which had occurred. Since the commencement of the nineteenth century the financial year had always ended on the 5th of January. In 1832 Althorp adopted another method.[2] The first quarter of the year had been singularly unfortunate, and he decided on excluding it from his calculations, and on estimating the revenue and the expenditure for the twelve months ending the 5th of April. Worried with protracted debates on the Reform Bill, anxiously awaiting its own dissolution, the House of Commons accepted the suggestion without remark, and Althorp was thus enabled to lessen his difficulties by excluding an unlucky quarter from his Budget.

Althorp's task was facilitated by this change. The expenditure of the twelve months was placed at 45,696,376*l.*; the revenue at 46,470,000*l.*; the surplus at

[1] 1,240,000*l.* *Hansard*, vol. xiv. p. 853.

[2] Up to the conclusion of the eighteenth century the financial year closed on the 10th of October. The Irish financial year closed on the 25th of March. After 1800 the intermediate date was chosen, and the financial year in both countries was closed on the 5th of January. This odd date admits of a very simple explanation. The four quarters of the English financial year used to end at Michaelmas, at Christmas, at Lady Day, and at Midsummer. On the adoption of the new style, in 1751, the calendar lost eleven days. The thirteen weeks of which the spring quarter was usually composed did not expire till the 5th of April. A century passed before an English financier was found with common sense enough to alter this arrangement. Public officers are even more conservative than financiers, and the Office of Woods still collects many of the Crown rents on the 5th of January, 5th of April, &c.

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770,000*l.*[1] These expectations were more than justified. The expenditure of the six months, instead of reaching 45,696,376*l.*, only amounted to 45,366,000*l.*; the revenue of the year, instead of yielding only 46,470,000*l.*, reached 46,853,009*l.*; and the surplus, which had been computed at 770,000*l.*, exceeded 1,480,000*l.* Economy had thus effectually converted a deficit into a surplus, and had relieved the Ministry and the State from an embarrassing situation. The relief was the more welcome because taxation was being borne with decreasing patience. An unreformed House of Commons had grown used to sacrifices from which it had so often proved impossible to escape, but the new electors were clamouring for relief from the burdens which oppressed them. Reform, which was popularly regarded as the panacea for every evil, was supposed to be the certain precursor of lower taxes; and every class and every interest in the kingdom was expecting that some peculiar grievance of its own would be remedied by a reformed Legislature. Economy, sedulously encouraged by the Government, promoted these expectations. The expenditure, which had been estimated in 1832 at 45,696,376*l.*, and which had actually amounted to only 45,366,000*l.*, was placed in 1833 at 44,922,219*l.* The revenue, which had been placed in the Budget of 1832 at 46,470,000*l.*, and which had yielded 46,853,000*l.*, would, it was thought, yield 46,494,128*l.* in 1833.[2]

The Budget of 1833.

These figures evidently pointed to a sensible reduction in the taxation of the country. Althorp decided on abolishing the excise on tiles, the house and window tax on shops, and the duty on raw cotton,

[1] For the Budget of 1832 see *Hansard*, vol. xiv. p. 849.

[2] The figures of the Budget were as follows:—

Expenditure.	£		£
Consolidated Fund .	30,300,000	Ordnance . . .	1,455,223
Army . . .	6,673,251	Miscellaneous . .	1,835,110
Navy . . .	4,658,635		44,922,219
		Revenue . . .	46,494,128
		Surplus . .	£1,571,909

imposed in 1831; on reducing the duties on advertisements; and on decreasing the tax on policies of marine insurance and the duty on soap by one-half.[1] These changes absorbed 1,056,000*l.* out of the 1,572,000*l.* of the surplus.[2] Satisfactory as they were, they did not meet the anticipations of Reformers and economists. The counties were everywhere agitating for a repeal of the duties on malt; the towns were simultaneously demanding the extinction of the tax on houses. The malt tax had for years been the favourite object of the attacks of the country gentlemen. In 1816 Vansittart had been forced to surrender the war malt tax; in 1819, in the worst of his many bad Budgets, he had imposed an additional duty on malt. In 1821, Western had carried the repeal of the additional duty against the Government; and, though the decision had been subsequently reversed, the Ministry had been forced to surrender the duty in 1822.[3] These various changes had reduced the excise on malt from 4*s.* 5¾*d.* in 1815 to 2*s.* 7*d.* in 1822.[4] The duty ever since that date had remained at 2*s.* 7*d.* a bushel or at 20*s.* 8*d.* a quarter. But the agriculturists had never submitted with patience to the continuance of the tax. On the 26th of April, 1833, Sir William Ingilby, one of the members for Lincolnshire, a county which enjoys exceptional advantages for the cultivation of barley, proposed the reduction of the duty on malt from 20*s.* 8*d.* to 10*s.* a quarter. It was in vain that Althorp pointed out that the proposed reduction would seriously

The malt tax.

[1] The loss to the revenue from these changes was as follows:—

Tiles	£37,000
Marine Insurance	100,000
Advertisements	75,000
Houses and windows	224,000
Cotton	300,000
Soap	300,000
	£1,056,000
Surplus	1,572,000
Remaining surplus	£516,000

[2] For the Budget, and the figures in the foregoing notes, see *Hansard*, vol. xvii. p. 326.

[3] See *ante*, vol. i. p. 410; and vol. ii. pp. 28, 50.

[4] *Ibid.*, and report, Commissioners of Inland Revenue, 1870, vol. ii. p. 16.

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derange the Budget. Tory members naturally supported a motion which was at once embarrassing to the Ministry and acceptable to country gentlemen. Whig county members hesitated to oppose the wishes of their constituents; and Radicals, like Cobbett, welcomed a proposal which involved a large reduction of taxation. From these various circumstances Ingilby succeeded in carrying his motion by a majority of ten.[1] The agriculturists had won a victory which was more significant than that which they had gained in 1821.

This memorable division was very nearly altering the history of the world. Grey thought the consequences of it 'so infinitely serious' that he hastily collected a Cabinet and privately intimated to his more immediate friends his intention of resigning.[2] The Ministers, however, determined, before abandoning their seats to their opponents, to endeavour to reverse the decision which had been the cause of their embarrassment. It so happened that an opportunity immediately occurred for their doing so. One of the members for the City of London, Sir John Key, had announced his intention of moving for the repeal of the assessed taxes on the 30th of April. Key's motion seemed, on general grounds, more likely than Ingilby's to be embarrassing to the Ministry. The repeal of the malt tax would, it was supposed, have chiefly benefited the country gentlemen. The repeal of the assessed taxes would confer a direct advantage on the poorer householders. County members were in favour of one proposal, but the much more formidable body of borough members was urging the other. It required, therefore, a greater effort to defeat Key than to defeat Ingilby. Whig members, however, who had supported Ingilby, or who had abstained from voting against him,

The house tax.

[1] 162 votes to 152. *Hansard*, vol. xvii. p. 716.

[2] *Brougham*, vol. iii. p. 264. *Greville*, vol. ii. p. 368.

were already trembling at the possible consequence of their own votes, and anxious to repair the error which they had committed;[1] and the Ministry, acquainted with their penitence, seized the opportunity which Key's motion afforded for reversing Ingilby's victory. Twenty-four hours before Key's motion came on Althorp announced his intention of meeting it with a resolution setting out the deficiency which would be occasioned by the reduction of the malt tax and the repeal of the taxes on houses and windows, declaring that the deficiency could only be met by a general tax upon property, and affirming the inexpediency of adopting this course.[2] The resolution was admirably adapted to suit the exigencies of the situation. A Whig county member might desire the reduction of the tax on malt; but even a Whig county member might regard the income tax as too heavy a price to pay for the reduction of the malt duty.

Key was not deterred by Althorp's resolution from bringing forward his projected motion. The clamour against the assessed taxes was so great that the member for a popular constituency could not afford to disregard it. Night after night petitions had been presented from the metropolitan and other boroughs against these imposts.[3] It is not difficult to understand the causes of the agitation which thus arose. The pressure of the house tax and of the window tax fell with especial weight on the middle classes and on the town operatives; and a period of dull trade, protracted beyond all precedent, was in itself inflicting hardship on these sections of the people. The agricultural labourer in the country, who lived in a miserable hovel, was exempt both from house tax and window tax;[4] but the

[1] *Greville*, vol. ii. p. 368. *Spencer*, p. 463.

[2] *Hansard*, vol. xvii. p. 728.

[3] See, for instance, *Hansard*, vol. xv. pp. 560, 616, 994, 1100.

[4] There were 2,846,179 houses in

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town operative, forced to hire a single room in a large house, felt their burden. In theory, indeed, the larger houses were rated at a higher scale than the smaller ones;[1] but in practice this difference was redressed by a very unfair contrivance. The smaller houses were usually assessed at their full value; the larger houses were always rated at a nominal value.

Its inequalities.

The Governors of the Bank of England were in the habit of valuing their premises at 40,000*l.* a year; they were rated at 2,500*l.* a year.[2] There were only four houses in Bedfordshire assessed at more than 70*l.* a year; yet Bedfordshire contained Woburn, Oakley, Wrest, Haines, Ampthill, and other mansions.[3] Lord Westminster's princely seat, Eaton, in Cheshire, was assessed at 300*l.* a year; Lord Lowther's castle in Westmoreland at less than 200*l.*; Blenheim at only 300*l.*; Raby, Lambton, and other mansions, almost equal to these, at less than 100*l.* Many a small London tradesman, struggling on a miserable income, paid double the house tax which the Duke of Cleveland was required to contribute on Raby, or the Duke of Bedford on Woburn.

Under the old system such facts as these had excited no clamour, because no one had been acquainted with them. Under the new system ignorance on such subjects was no longer possible. The members of rotten boroughs had no inclination to reveal abuses which would have distressed their wealthy patrons. The representatives of populous places were anxious to prove their zeal to their constituents by insisting on the disclosure of every injustice. The metropolis suffered especially from the

Great Britain in 1831; and of these only 430,617 were charged with house tax, and only 377,471 with window tax, *Hansard*, vol. xvii. p. 806.

[1] Houses from 10*l.* to 20*l.* paid 1*s.* 6*d.* in the pound; from 20*l.* to 40*l.*, 2*s.* 3*d.*; above 40*l.*, 2*s.* 10*d.* *Ibid.*, p. 806; and cf. *Report of the Commissioners of Inland Revenue*, 1870, vol. i. p. 116.

[2] *Hansard*, vol. xix. p. 71.

[3] *Ibid.*, vol. xvii. p. 761.

assessed taxes, because the average value of each London house was higher than that of houses in other towns. The trifling relief[1] which Althorp afforded the householder in his Budget was regarded as wholly inadequate; and the metropolitan members insisted on much larger reductions. Althorp's notice, however, obviously doomed them to disappointment. Whig members, unwilling to provoke a crisis in the Ministry, rallied to the support of the Government, and Althorp's amendment was accordingly carried by a very large majority.[2]

Motion for its repeal defeated.

The Government was relieved by this decision from considerable embarrassment. Key's success would have made it necessary to recast the Budget. Althorp's victory preserved the assessed taxes in their existing form. Ministers, however, were destined in a short time to appreciate the price which they had paid for their majority. A month before, Cam Hobhouse, who had filled the office of Secretary at War since the date of Parnell's retirement from it, had been persuaded to accept the position of Chief Secretary of Ireland, which Stanley's promotion to the Colonial Office had vacated.[3] The firmest of Byron's friends, Hobhouse is associated with the career of the poet, and his name will not be forgotten while 'Childe Harold' lives. In the same

[1] By the law of 1823 (*ante*, vol. ii. p. 79) three windows were struck off any house used as a shop. Althorp proposed to strike off all the windows used either for shops or warehouses, and to reduce the house tax in the same proportion. *Hansard*, vol. xvii. p. 326.

[2] By 355 votes to 157. Ingilby, who was extremely angry at this reversal of the victory which he had won four days before, subsequently moved to omit from the amendment all the words relating to the malt tax; but he was beaten by 285 votes to 131. *Hansard*, vol. xvii. p. 833. An attempt was made afterwards to discontinue the Assessed Taxes from the 5th of October, 1833, and was defeated by 273 votes to 124. *Hansard*, vol. xviii. p. 32.

[3] The office was, in the first instance, offered to Abercromby, who stood out, however, for the Cabinet. The Ministry declined to admit another Chief Secretary to the Cabinet, and Abercromby then definitely refused the offer. *Brougham*, vol. iii. p. 230. The place was subsequently offered to Poulett Thomson. *Life of Lord Sydenham*, p. 67. Hobhouse's appointment was gazetted on the 28th of March, 1833.

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year in which Byron dedicated that poem to his friend, Hobhouse stood, in the Radical interest, for Westminster. He was defeated; and he signalised his defeat by publishing a pamphlet on Parliamentary Reform. The House of Commons thought the pamphlet libellous, and sent the writer to Newgate. The Parliament of 1818, however, had only a short existence; and its dissolution in 1820 opened the prison-doors to Hobhouse. He came out of Newgate a Radical and a martyr;[1] and in these characters won an easy victory in the great metropolitan borough. The unflinching advocate of Reform, he almost naturally succeeded to office in the Grey Administration. His undoubted ability and liberal views made him a peculiarly efficient successor to Stanley in the Chief Secretaryship of Ireland.

Hobhouse defeated at Westminster.

After Hobhouse had succeeded to the Irish office Althorp's Budget destroyed the expectations of London householders. Hobhouse, vehemently abused by his constituents, chivalrously determined to vacate both his office and his seat. His chivalry did not save him from defeat. De Lacy Evans, an officer in the army, who had already acquired notoriety for his extreme Radical views, opposed him on the hustings. The 'roughs' of Westminster, issuing from alley and court, assailed Hobhouse and his supporters with a shower of carrots. The electors, forgetting all the sacrifices which Hobhouse had made in the past, replaced him with Evans. The friend of Byron, the champion of Reform, the

[1] Hobhouse stood for Westminster after Romilly's death, in 1818. In the year in which he was sent to Newgate by the House of Commons a printer was prosecuted in Paris for publishing a translation of an account, which Hobhouse had written, of the Hundred Days. Some passages in this work were supposed to reflect on the 'right' of Louis XVIII. to the throne. The French publisher, however, seems to have made a very 'free' translation of the book. An account of this trial will be found in *Ann. Reg.*, 1819, Chron., p. 86. The Hundred Days is referred to by Byron, in the dedication to 'Childe Harold,' as 'a work worthy of the better days of our history.' Cf. *Melbourne*, vol. i. pp. 135, 146.

martyr of 1818, was temporarily driven into private life, and the Ministry was compelled to select a new Chief Secretary for Ireland.[1] CHAP. XIII. 1833.

Hobhouse's defeat was an unwelcome proof of the unpopularity which the Ministry had incurred. A financial question of inconsiderable importance had induced the electors of Westminster to ignore the claims of their old member to their allegiance. Immediately after Hobhouse's defeat the irritation which the Budget had caused was even more strongly shown. Meetings were held in every parish in the metropolis to denounce the Ministry; the Birmingham Political Union declared the Government 'unable or unwilling to extricate the country from the difficulties or dangers with which it was surrounded;' and a meeting was summoned in Cold-bath Fields to pave the way for the formation of a National Convention. Ministers, alarmed at the prospects held out to them, issued a proclamation forbidding the meeting. The proclamation received no attention from the irritated people. A considerable number of persons collected at the appointed time, marching under the old familiar banners which had been seen fourteen years before at Peterloo. The police, ordered to enforce the proclamation, charged the people, freely using their staves. A sharp fight ensued, in which one of the police was stabbed to death, and other members of the force were wounded. The Ministry which had issued the proclamation, and which was held responsible for the proceedings which had followed it, incurred all the unpopularity which was excited by the disturbance.[2]

Irritation in London and the provinces.

Attack upon the police.

The circumstances of the meeting had been deplorable; its consequences were even more grave.

[1] See the *Edinburgh Review*, vol. cxxxiii. p. 286, an article founded on the autobiographical memoir which Lord Broughton (Sir J. Hobhouse) left behind him. Cf. *Spencer*, p. 465. *Greville*, vol. ii. p. 368.

[2] See *Ann. Reg.*, 1833, Hist., p. 159, and Chron., pp. 79, 82, 319.

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The coroner's jury, summoned to hold an inquest on the body of the unfortunate policeman who had been killed, returned a verdict of justifiable homicide. They justified their finding by complaining that the Riot Act had not been read; that the people had not been ordered to disperse; that the Government had taken no precautions to prevent the meeting; and that the police had acted in a ferocious and brutal manner. The coroner was foolish enough to tell the jury that their verdict was disgraceful to them. The crowd in court showed its sense of the matter by vociferously exclaiming, 'Bravo, jurors! you have done your duty nobly; the country is indebted to you.' This demonstration did not deter the law officers from endeavouring to set aside the obnoxious verdict. It was quashed by the Court of King's Bench on the 29th of May. This success almost forced the Ministry to prosecute the rioters who had killed and wounded the policemen. A man named George Fursey, who had taken an active part in the riot, had already been committed for trial for stabbing two of the police. He was tried on the 4th of June at the Old Bailey. But the jury at the Old Bailey was no more amenable than the jury at the inquest. They listened with composure to the numerous complaints which were made of the conduct of the police; they turned a deaf ear to the evidence brought forward by the Government; and insisted on acquitting the prisoner.[1]

These lamentable proceedings convinced the Ministry of their unpopularity. Althorp had succeeded in defeating Key's motion; but the Clerkenwell riot was a much more formidable circumstance than Key's speech, and the Ministry thought it necessary to give way. The house tax and window tax were again reduced; and

[1] For the coroner's inquest see *Ann. Reg.*, 1833, Chron. p. 80. For the trial at the Old Bailey, *ibid.*, p. 319.

Althorp undertook to repeal the house tax unconditionally at the earliest opportunity.[1] This concession, however, did not diminish the agitation for the repeal of the obnoxious taxes. In Marylebone an association was formed to resist their payment. The authorities had to proceed to the extreme course of seizing the goods of defaulting tradesmen. The troops were placed under arms, the police were held in readiness for action, before they ventured to make the seizure.[2] Such measures had not even been resorted to in the worst days of the worst Tory Governments.

The assessed taxes reduced.

The agitation against the assessed taxes had thus made the Ministry profoundly unpopular in London and other large towns.[3] Throughout the whole of 1833 its unpopularity continued to increase, and the populace lost confidence in the Government which had excited boundless enthusiasm the year before. The people were disappointed at finding that the old grievances, which had been the subject of their complaints for years, had been practically unremedied by the Reform Bill. The abolition of rotten boroughs had neither raised the rate of wages nor reduced the price of corn; and high wages and cheap bread were, after all, of more importance to a working-man than the representation of populous places in Parliament. Yet the Ministry enjoyed one advantage in 1833 which was of great service to it. The trade of the country recovered from the depression which had characterised it since 1826. The exports and imports increased both in

Unpopularity of ministers.

Increasing prosperity of the country.

[1] For these reductions see *Hansard*, vol. xx. p. 762. An additional 400,000*l.* was remitted. The income of the year had originally been estimated at 46,494,128*l.* It had been reduced by the changes in the original Budget to 45,438,188*l.* It was now reduced to 45,038,138*l.*, or only 116,000*l.* more than the estimated expenditure.

[2] *Ann. Reg.*, 1833, Chron., pp. 142, 151, and 155. In the previous May goods seized at Birmingham on non-payment of taxes were publicly sold. Fifty people attended the sale, but they would not allow anyone to bid for the lots except the wife of the man from whom they had been seized. *Ibid.*, p. 73.

[3] *Hansard*, vol. xx. p. 425.

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value and quantity, and the higher prices which the manufacturers were enabled to obtain for their produce tended to raise the rate of wages and improve the position of the manufacturing poor. This improvement could be traced in almost every branch of British trade. All the textile industries, in particular, were notoriously enjoying an era of unprecedented prosperity;[1] and even the miserable weavers, who still won a precarious subsistence from their handlooms,[2] derived some advantage from the improvement in trade.

Improvement in the revenue.

The increasing prosperity of the country produced a marked effect on the receipts at the Exchequer. The revenue sensibly improved; and ministers decided on availing themselves of the improvement to reduce some of the taxation which had excited so much opposition in the previous year. A fortnight after the commencement of the session of 1834 Althorp explained the measures which he proposed for the purpose. The revenue of 1833 had been expected to exceed the expenditure by 116,000*l.* The surplus had actually amounted to 1,500,000*l.* The Ministry hoped in February 1834 to reduce the Estimates by 500,000*l.*, and thus add another half-million to the surplus. They expected to derive an additional 600,000*l.* from the tea duties,[3] and thus raise the surplus to 2,600,000*l.* On

[1] The official value of the imports in 1825 was 42,660,954*l.* It had only increased to 43,237,417*l.* in 1832. The official value of the exports rose from 46,453,022*l.* in 1825 to 64,582,037*l.* in 1832; but the declared or real value fell in the same period from 38,077,330*l.* to 36,046,027*l.* The improvement in 1833 may be inferred from the following figures. The value of cotton exported rose from 17,398,378*l.*, in 1832, to 19,657,672*l.* in 1833; that of wool from 5,479,866*l.* to 6,511,780*l.*; that of silk from 529,990*l.* to 740,294*l.*; that of linen from 1,788,432*l.* to 2,199,441*l.* This improvement extended to the hardware trades. The export of iron, for instance, increased from 1,190,748*l.* to 1,428,723*l.* A very interesting account of the improvement will be found in Mr. Morrison's speech. *Hansard*, vol. xxi. p. 39. The declared value of all the exports rose from 36,046,027*l.* in 1832 to 39,305,513*l.* in 1833.

[2] See *ante*, p. 86.

[3] Up to the 22nd of April, 1834, the East India Company had a monopoly of the tea trade, and the duty was 96 per cent. upon all teas sold under 2*s.* and 100 per cent. on all teas sold over 2*s.* per lb. The monopoly of the Company forced up

the other hand, they had to provide some 800,000*l.* for the interest of the 20,000,000*l.*, the price which in the previous year they had agreed to pay for the abolition of slavery. They had, therefore, a net surplus of 1,800,000*l.* to dispose of. Town and country were both clamouring for a share in this surplus. Althorp decided on disregarding the wishes of the country gentlemen and confining his relief to the town householder. The window tax yielded some 1,273,000*l.* a year; the house tax, 1,200,000*l.* The surplus, therefore, did not admit of the repeal of both taxes, and Althorp consequently decided on retaining the window tax and abandoning the house duty.[1]

The Budget was much less ambitious than some of those which had preceded it; but it was much more popular. The Whig ministers had attended to the demands of the towns, and they could consequently afford to disregard the clamour of the country gentlemen. Yet they could not wholly ignore the distressed condition of the rural districts. The higher prices,

the price of tea, and, while raising its price, increased the duty. By the 3rd and 4th William IV., c. 101, tea was subjected to duties varying from 1*s.* 6*d.* to 3*s.* per lb., and it was from this change, and from the abolition of the East India Company's monopoly, that Althorp hoped to get his additional 600,000*l.* In 1836 a fixed duty of 2*s.* 1*d.* per lb. was substituted for the varying scale of duties. McCulloch's *Commercial Dict., ad verb.* 'Tea.'

[1] Althorp's speech will be found in *Hansard*, vol. xxi. p. 359. A corrected Budget was proposed on the 25th of July, and Althorp's anticipations of February were not wholly fulfilled. The savings, instead of amounting to 500,000*l.*, it was then found, barely reached 150,000*l.* The expenditure of the year was then placed at 44,971,213*l.*, or, including the charge of the West India Loan, at 45,721,000*l.*; the revenue (including the house tax) at 46,914,586*l.* The surplus, therefore, amounted to about 1,200,000*l.*; and this surplus was increased, by the duty on tea and by other additions, to 1,620,000*l.* To this surplus Althorp added 195,000*l.* by increasing the license for the sale of spirits and beer; and he devoted the money which was thus at his disposal to the repeal of the house tax and of the duty on starch, and to the reduction of various other taxes. The whole of these reductions involved an estimated loss of 1,581,000*l.*, and left him with a small surplus of 234,000*l.* He thought himself justified, with this surplus, in reducing the duty on spirits in Ireland, from 3*s.* 4*d.* to 2*s.* 4*d.* a gallon. Increased consumption, he thought, would prevent any loss from this change; but the loss would under no circumstances exceed 200,000*l.* *Hansard*, vol. xxv. pp. 498–513.

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Agricultural distress.

which had restored prosperity to the manufacturers, had not affected the agriculturists. On the contrary, agricultural produce was selling at a lower rate than had been known for years;[1] and the charges on real property were continually increasing. The local and imperial taxation on a farm exceeded in some cases the entire value of its produce;[2] and the letting value of land decreased to an unprecedented extent. An instance was given in 1833 which illustrated these facts in a very clear manner. Some land in the Weald of Sussex had been let in 1792 for eight shillings an acre, and the rate on it at that time amounted to four shillings. In 1833 these burthens had changed places: the rent had fallen to four shillings, the rate had increased to eight shillings. But this fall in the letting value of land had been exceeded in other places. Lord Chandos stated in the House of Commons that land in Buckinghamshire, usually let at thirty-five to thirty-seven shillings an acre, was letting in 1834 at from seven to fourteen shillings.

These figures proved the extent of the distress which the agriculturists were enduring. In 1822 the landed classes had forced a Tory Government to concede enquiry into their grievances. In 1833 they succeeded in obtaining another select committee to investigate the causes of their distress.[3] The report of the committee could not have been very satisfactory to them. Its members were clearly of opinion that the best chances of improvement 'rest rather on the cautious forbearance than on the active interposition of Parliament.'[4] But the report had the merit of providing the spokesmen of the landed interest with incontestable proofs of agricultural

[1] The price of wheat in 1834 was only 2*l.* 6*s.* 2*d.* With the single exception of 1822, the average price had not fallen so low for more than 40 years. It fell to 1*l.* 19*s.* 4*d.* in 1835.

[2] *Hansard*, vol. xxi. p. 655.

[3] *Hansard*, vol. xvii. p. 958.

[4] Report of Agricultural Committee of 1833, Parliamentary Papers, session 1833, vol. v. p. 13.

distress. Agitation had just secured the inhabitants of towns a boon of 1,200,000*l.* a year; the agriculturists had 'got only a civil paragraph in the King's Speech.'[1] Althorp had himself admitted that he took off the house tax, not because he thought it unjust, but because he knew it to be unpopular.[2] Did not this admission constitute a direct invitation to the agriculturists to clamour against the burthens which were peculiar to themselves? The time was obviously ripe for attempting agitation. The Ministry was falling into disrepute, and was unable to rely on the votes of its nominal supporters. A week after the Budget, Lord Chandos embodied in a distinct resolution the claims of the agricultural classes to financial relief. The attack proved one of the most formidable which the Whig Ministry had yet sustained in the Reformed House of Commons. Chandos was only defeated by 206 votes to 202.[3] The agriculturists had been on the point of securing another victory.

The discontent of the agriculturists.

This division encouraged the agriculturists to make one more effort to secure attention to their claims. Ingilby accordingly renewed the motion which he had succeeded in carrying the previous year for the repeal of the malt tax. Malt, however, yielded a revenue of nearly 5,000,000*l.*, and Ingilby consequently thought it incumbent on him to show how the deficit, which the repeal of the tax would occasion, could be supplied. He relied for doing so mainly on an increased tax on spirits and wine, and on a duty on beer and on leather; though he supplemented these proposals with eccentric suggestions for a poll-tax on the peerage, on baronets and on knights, and for a tax on gambling-houses.[4] These suggestions proved fatal to his proposal. Peel

[1] The expression was Peel's. *Hansard*, vol. xxi. p. 375.
[2] *Ibid.*, p. 365. Cf. *Greville*, vol. iii. p. 60.
[3] *Hansard*, vol. xxi. p. 694.
[4] *Ibid.*, p. 886.

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declined to support him; the Whigs, previously consulted at a meeting at Althorp's house,[1] rallied in support of the Ministry; and Ingilby was defeated by 271 votes to 170.[2] Ingilby's attack had thus enabled the Government to retrieve the position of which Chandos' motion had almost deprived it, and to re-establish its predominance in the House of Commons.

The country gentlemen had gained nothing from their proceedings in Parliament; and in the meanwhile, intent on the decrease in their rents, or the failure of their tenants, they had neglected to examine another phase of the agricultural question. The labourer, like the landlord and the tenant-farmer, had his own grievance. Landlords, like Lord Marney, were in the habit of saying that 'a family can live well on seven shillings a week, and on eight shillings very well indeed.'[3] The miserable people who sustained a precarious existence on these sums could have furnished, in every cottage, a practical contradiction to the allegation. The lot of the labouring poor was annually becoming more intolerable; but the poor had neither the knowledge nor the intelligence which would have enabled them to escape from it. They had nothing to do but to submit to their employers' terms during five months of the year, and try to live on the parish dole during the remainder of it.

The rural poor.

Labour, however, was gradually discovering the truth of the old saying, that God helps those who help themselves. Bodies of working men, convinced of the maxim that unity is strength, had enrolled themselves in associations intended to protect the rights of the labourer. The Trades Unions had naturally derived

[1] For this meeting see *Greville*, vol. iii. p. 65.

[2] *Hansard*, vol. xxi. p. 925. Cobbett soon afterwards proposed the abolition of the malt tax from the 5th of the following October, and was beaten by 142 votes to 59. *Ibid.*, vol. xxii. pp. 284–306.

[3] *Sybil*, book iii. chap. 2.

considerable advantage from the legislation of 1825.[1] The revival of trade in 1833 afforded them an opportunity of reasserting their power; and, throughout the whole of that year, their leaders redoubled their customary exertions. In the commencement of 1834 it occurred to some people that an organisation similar to a Trades Union might be extended with advantage to agricultural labour. Dorsetshire was a purely agricultural county, in which labour was paid at a miserably low rate. A union was formed; and in the formation of the union no law was broken. It was, however, customary in these unions to administer an oath to the unionists. An old Act of George III., passed amidst the terror which the Mutiny at the Nore had caused, had made it an offence, punishable by transportation, to administer illegal oaths. The statute had been rarely enforced: practically it had been disregarded by every trades union in the kingdom. It was suddenly resuscitated to punish the men who had formed the first agricultural union. Six wretched labourers,[2] wholly ignorant of the law, were prosecuted at Dorchester for administering illegal oaths. The jury found them guilty. The judge, after two days' consideration, thought himself bound to inflict the punishment set out in the law, and sentenced them to seven years' transportation. The ministers, foreseeing the clamour which the sentence would occasion, hurried the prisoners to the hulks, and despatched them at once to Australia. Such precipitancy was unusual; and of course increased the outcry which the Government had desired to avoid.[3]

The Dorsetshire labourers.

It was not long before the Ministry understood the strength of the feeling which it had aroused. Petitions were presented from Oxford, from Cheltenham,

[1] See *ante*, vol. ii. p. 113.

[2] Two of the men were Methodist preachers; and the whole six were a little better informed than the ordinary labourer. *Hansard*, vol. xxii. p. 942.

[3] *Ibid.*, p. 947; and cf. Melbourne, vol. i. p. 435.

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from Hull, from Leeds, from Newcastle, from Dundee, from Belfast, and other places, complaining of the sentences on ignorant men. The six obscure labourers became the heroes of the hour; and the Ministry was severely blamed for carrying out the sentence upon them.[1] The trades unions of London decided on organising a monster demonstration in behalf of the six convicts. It was proposed that the working-men of the metropolis should assemble in their thousands; should march upon the Home Office, and present themselves to the Home Secretary as a deputation demanding the recall of the labourers from Australia. The demonstration took place. Some twenty to thirty thousand working-men assembled, on the 21st of April, in the fields which at that time surrounded White Conduit House, and moved on Whitehall. Every precaution had been taken by the authorities to insure the peaceable progress of the procession. Melbourne quietly refused to receive a deputation which had assumed the aspect of a demonstration; and the unionists were persuaded to leave the Home Office and pass on to Newington. There they were told that the Home Secretary, on the following day, would receive a small deputation. Satisfied with this assurance, they dispersed in peace; and a demonstration, which had been awaited with alarm, terminated without producing disorder.[2]

The demonstration in their favour.

Old-fashioned Tories, however, who had recollected the Six Acts, were not satisfied with the peaceable termination of a formidable demonstration. Eldon repeated in the House of Lords the opinion which he had given to the Cabinet in 1819, and declared that meetings were illegal, and ought to be put down. Brougham had the folly to endorse Eldon's opinion,[3] and to in-

[1] *Hansard*, vol. xxii. pp. 725, 733, 860, 938; and vol. xxiii. pp. 114, 812.

[2] *Melbourne*, vol. i. p. 439. *Ann. Reg.*, 1834, Chron., p. 58.

[3] *Hansard*, vol. xxiii. pp. 95–103.

dulge in a reckless and unnecessary attack on the unionists. Fortunately for the cause of peace, the Cabinet had the good sense to disregard the views of Eldon, and to act in opposition to the opinions of Brougham. In consequence a demonstration which, if it had been opposed, would have led to bloodshed, produced no inconvenience beyond a temporary interruption of the London street traffic. The wretched labourers were taken to New South Wales. Two years afterwards the Crown was advised to grant them a free pardon, and thus allow of their return home.[1]

The practical victory of the trades had afforded a decisive proof of the power of the unionists; but neither the unionists nor their victory had raised the great mass of the labouring poor from the position of abject dependence into which they had fallen. For years, however, their wrongs had been continually exciting attention; and, in the course of 1832, the Ministry had consented to appoint a commission to enquire into the Poor Laws.[2] Blomfield, Bishop of London, was chairman of the commission; Sumner, Bishop of Chester, who afterwards was raised to the Primacy; Sturges Bourne, who had been Home Secretary under Canning, and who had paid considerable attention to the subject; Nassau Senior, and five other gentlemen, were upon it. The commissioners were empowered to appoint assistant commissioners; to despatch them into every part of the country, and thus obtain a thorough account of the working of the poor law in all parts of England and Wales. The assistant commissioners commenced their enquiries in August 1832; their reports were received in January 1833; and the commissioners themselves then commenced to collate and to print the mass of information which they had thus succeeded in

The Poor Law Commission.

[1] *Hansard*, vol. xxxii. p. 253.
[2] *Ibid.*, vol. x. p. 723.

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obtaining. Such wealth of matter had never been collected by any previous commission. Months were occupied with the mere mechanical work of publication, and the commissioners' report was not, in consequence, ready before the commencement of 1834.

Abuses of the old Poor Law.

Pauperism was an evil in urgent need of a remedy. Injudicious arrangements had made nearly every poor man a pauper, and real property was crushed with the heavy and increasing burden of supporting the people. Up to the close of the eighteenth century the burden of pauperism increased only slowly. The spirit of the old law of Elizabeth was respected by the local authorities: the idle person was set to work, or forced into the poorhouse; and pauperism was regarded as a disgrace by the labouring population. An Act of 1796, which sanctioned the relief of the poor in their own houses, rapidly changed this condition of things. Local officers, with little knowledge and less experience, thought it a wiser thing to supplement the scanty earnings of a poor man with a miserable dole than to make the relief which they afforded him complete. Only one consequence could result from such a policy. Every employer of labour could choose between a workman solely dependent on his wages and a pauper whose smaller wages were supplemented by the parish. Most employers under such circumstances naturally preferred the pauper; and the independent labourer could only obtain employment on the terms which were accepted by the pauper. These terms, however, were, of course, insufficient for his support. He had, in his turn, no alternative but to become a pauper. Whole parishes were thus pauperised in an incredibly short period, and independent labour became almost unknown.

Relief was given in various ways in different places. In many parishes a special scale was fixed by the

authorities.[1] An initial sum was paid to each single man. A married man received an additional dole for his wife, and an extra sum for every child. The agricultural labourer with a large family was thus ensured a considerable income, and could realise the truth of David's saying, 'Happy is the man who has his quiver full of them.' This remarkable system was adopted in the majority of parishes. In others relief was given in kind. In many the rent of the working-man was paid as a matter of course;[2] while orders were frequently given on the local tradesmen for food or clothes to the poor. The office of overseer thus became a desirable prize to little tradesmen. Though no salary attached to it, it was eagerly sought after; and the tradesmen who successively held it accommodated each other by giving orders on all the village shops in turn.[3]

An overseer could hardly be expected to take any very vigorous measures to repress pauperism. But even a well-meaning overseer had little power in the matter. Any pauper who was dissatisfied with him could appeal to a magistrate. He was not even required to take his case before a magistrate of the neighbourhood. He could select the most benevolent fool who happened to be a justice of the peace in the county. Rural justices, whose hearts happened to be better than their heads, could thus at any moment check the best-intentioned efforts for the repression of pauperism. Even in London one of the magistrates at Worship Street acted on the notion that every able-bodied man was entitled to sixpence a day, unless the overseer could show cause to the contrary.[4]

Its consequences to the poor.

Such was the system which, in a single generation, had degraded a race of free men into a race of paupers, and blunted the better feelings of an unhappy people.

[1] *Poor Law Report*, Parliamentary Papers, session 1834, vol. xxvii. p. 13.
[2] *Ibid.*, p. 9.
[3] *Ibid.*, pp. 56–58.
[4] *Ibid.*, pp. 74, 82.

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The poor man declined to support his father in his old age or his child in its infancy.[1] That office was the duty of the parish. The mother refused to nurse her daughter; the daughter objected to nurse her mother in illness unless her services were paid by the parish.[2] A working man in Cambridgeshire, whose wife was in prison for theft, complained that he had no one to tend his house and children: the magistrates admitted the claim, and ordered him 11*s.* a week for the purpose from the parish.[3] In every other class of life a prudent man avoided marriage till he could afford it. The poor man was bribed to marry by the parish. Unhappily, the parish bribe encouraged him to select the most depraved of the village beauties. A girl usually received 2*s.* a week for each illegitimate child either from the reputed father or from the parish. A girl with three or four illegitimate children had, therefore, a small fortune, and was eagerly sought after. It was, of course, under such circumstances no disgrace for a girl to have borne a child; on the contrary, profligate conduct on her part was the certain precursor of her social advancement. Any single woman who expected a child might charge any man she chose to fix upon as the father of it. Unless he gave security the justices might commit him to gaol until after the child was born. A poor labouring man was not likely to be able to offer security. In his own defence, therefore, every labouring man was almost compelled to marry the first strumpet who had the hardihood to father on him her expected child.[4]

The system destroyed all the better feelings of human nature. The Poor Laws practically declared that 'the children shall not suffer for the misconduct of

[1] *Poor Law Report*, p. 25.
[2] *Ibid.*, p. 54.
[3] *Ibid.*, p. 33.
[4] *Ibid.*, p. 93.

their parents, the wife for that of the husband, or the husband for that of the wife; that no one shall lose the means of comfortable subsistence, whatever be his indolence, prodigality, or vice.'[1] The poor, however, were not the only sufferers from the vicious system. The property of the kingdom was weighted with the burden of their support, and the landed classes sank under the constantly increasing load. In a few places, indeed, landlords, whose worldly wisdom was not tempered with any considerations of humanity, threw down the cottages on their estates and forced the occupants into the adjacent parishes.[2] The ordinary landlord was, fortunately, too humane to adopt so cruel a remedy. Instead of it he submitted to his inevitable lot, and let his land at a lower rent, or failed to let it at all. Hundreds of farms were tenantless because no possible reduction of rent could induce the occupier to incur the charge of the poor rate. In one parish in Buckinghamshire the rates had risen from 10*l.* 11*s.* in 1801 to 367*l.* in 1832. The landlord of the parish had given up his rents; the tenants had given up their farms; the clergyman had given up his glebe and his tithe. It was seriously proposed to parcel out all the land in the parish among the paupers, and to support them, till they could support themselves, out of rates levied on the neighbouring villages.[3]

Its consequences to the rich.

Every cloud has a silver lining. Even the cloud of pauperism which overshadowed England in 1832 was relieved by a few faint traces of a brighter side. Here and there some country gentlemen had detected the causes of the poverty which was pauperising the population, and had proved themselves both wise enough

[1] *Report*, p. 34.

[2] See *Report*, p. 88; and cf. Lord Marney's speech, in *Sybil*: 'I build no cottages, and I destroy all I can; and I am not ashamed or afraid to say so.' Book ii. chap. xii.

[3] The parish alluded to is Cholesbury. There were 139 people in it—104 paupers, and two public-houses. *Poor Law Report*, p. 49.

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and courageous enough to apply the necessary remedy to the disease. Pauperism, these reformers clearly saw, could only be cured by depauperising the population: the population could only be depauperised by a rigorous refusal of out-relief. Some of these wise men insisted on the erection of suitable workhouses, in which the poor could be relieved and set to work; others of them refused all relief in aid of wages. A few of them not merely discontinued the practice of paying the labourer's rent, but actually rated his little cottage.[1] In every case the result of these reforms was the same: pauperism at once decreased, the wages of honest labour rose, the rates fell, and the village was better off. Here and there the commissioners, in their enquiries, came upon villages thus regulated, which seemed like fortunate oases in the almost universal desert of distress. Their example proved that pauperism was not inevitable, and that a mean was possible between the savage legislation of the Tudors[2] and the foolish system of the nineteenth century.

Its remedy.

It was, in fact, impossible to ignore the lesson which was thus impressed on the nation. North, east, west, and south a vast load of pauperism was fettering the industrial capacities of the people, while here and there in a solitary parish a happier state of things was visible. No commission could avoid desiring to extend the system of the depauperised parishes to the rest of the country. The commissioners, in consequence, recommended that, after a given date no out-relief, except

[1] *Report*, pp. 132–143.

[2] The 27th Henry VIII., c. 25, required the sturdy beggar to be whipped for a first offence; to have his right ear cropped for the second offence; and to be imprisoned, tried, and, if convicted, to suffer death as the enemy of the commonwealth, for the third offence. Sentiments of 'foolish pity and mercy,' as Parliament was pleased to term them, made this atrocious law a dead letter. So the 1st Edward VI. ordered the idle and vagabond to be branded with a V, and to be adjudged a slave for two years. If he ran away he was to be branded with an S and to be a slave for life. If he ran away again he was to suffer death. *Report*, pp. 4, 5.

medical aid in sickness, should be given to any able-bodied man.[1] In addition to this recommendation they had the courage to propose that the mother should be compelled to support her illegitimate child,[2] and that all settlement, except settlement by birth and marriage, should be abolished.[3] They thought it necessary, in order to carry out the law, to institute a central board, entrusted with great and unprecedented powers of taxation and administration. The board was to be at liberty, for instance, to unite parishes in unions; to insist on uniformity in accounts; to dismiss incompetent officials; and generally to supervise the whole system.[4] Such powers had never previously been granted by Parliament to any public department.

In 1834 the King specially directed the attention of Parliament to the subject of the Poor Laws in the Speech from the Throne;[5] and on the 17th of April Althorp introduced a bill to give effect to the recommendations of the commissioners. His speech was received with a chorus of approval.[6] Its reception outside the House, however, was very different. Charitable people were shocked at the notion of withdrawing the doles which had been hitherto meted out to the poor; politicians were frightened at the unpopularity of doing so; and the Radicals complained that a bill, essentially

The New Poor Law.

[1] *Report*, p. 146.

[2] *Ibid.*, p. 196.

[3] It is a remark of Whately's (*Life*, vol. i. p. 214), that the law of settlement—one of the devices which the rich have used for crushing the poor—is as old as the Son of Sirach—'The wisdom of a learned man cometh by opportunity and leisure; and he that hath little business shall become wise.' But as for the ploughman, the carpenter, the smith and the potter—'Without these cannot a city be inhabited: *and they shall not dwell where they will, nor go up and down.* They shall not . . . . sit high in the congregation. . . . . But they will maintain the state of the world, and all their desire is in the work of their craft.'—Ecclus. xxxviii. 24–34. These texts would have served as a motto for the Tory Government which crushed the people at Peterloo. Perhaps they throw as much light on the true history of the Jewish nation as the account of sacerdotalism and tyranny embodied in the four books of Kings.

[4] *Report*, pp. 171–188.

[5] *Hansard*, vol. xxi. p. 2.

[6] *Ibid.*, vol. xxii. pp. 889–898.

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favourable to the rights of property and injurious to the labouring poor, should have been introduced by a Whig Administration. These various causes of dissatisfaction produced their effect. On the 9th of May De Lacy Evans, the member for Westminster, made a violent attack on the principles of the measure, and declared that 'the cessation of out-door relief would lead to a revolution in the country.'[1] His fears were endorsed by the representatives of other large constituencies; but their speeches did not affect the division. The report of the commissioners had done its work. One of the ablest members of the House, the Radical member for a populous metropolitan borough, ventured on disregarding the wishes of his constituents, and delivered a warm and admirable speech in defence of the bill. His support weakened the Radical attack upon the measure. The House almost unanimously decided to read the bill a second time, and to reserve their arguments for its amendment till it was in committee. Evans was able to secure only 20 votes against 319 members who supported the Ministry.[2]

During the last week of May and the greater part of June the House of Commons was constantly occupied in debating the details of the measure. The extreme men on both sides inveighed against the Poor Man Robbery Bill, as it was nicknamed by Cobbett.[3] But the moderate men of both parties had the good sense to see the advantages which would result from the measure, and to support the Government which had the honesty to court unpopularity by proposing it. Thus supported the measure made steady progress, and passed the House of Commons on the 1st of July. On the 21st of July its second reading was carried by a large majority in the Lords.[4] Some slight alterations were afterwards introduced into it. The House of Commons, on Althorp's

[1] *Hansard*, vol. xxiii. p. 806.
[2] *Ibid.*, p. 842.
[3] *Ibid.*, vol. xxiv. p. 388.
[4] *Ibid.*, vol. xxv. p. 275.

advice, accepted these amendments, and the bill became law.[1]

The effects of the measure were seen almost instantaneously. The cost of relief steadily decreased, and the burden of supporting the poor, which had exceeded 7,000,000*l.* in 1832, was only slightly over 4,000,000*l.* in 1837. A reform, indeed, of so vast a character, suddenly introduced into every parish in England, could not but be attended with some inconveniencies; and extreme politicians did not hesitate to denounce a measure which had, as they thought, inflicted an injustice on the poor. The effect of their denunciations will be seen later on in this history. In 1834 they were hardly worth observing. The good sense of Althorp and the wise behaviour of Peel in one House, and Wellington in the other, had insured the passage of the Poor Bill; and moderate men could afford to disregard the clamours of politicians like Cobbett, whose influence had already waned, or of young men like Mr. Disraeli, whose opportunity had not arrived. Its effects.

But the time was already come when the great Whig Ministry which had carried the Reform Act was in urgent need of support. Before the new Poor Law had passed the House of Commons the Cabinet had become weakened by the defection of some of its members; before it had become law it had lost its chief. Its great services already forgotten, its present weakness alone recollected,

[1] For the amendments see *Hansard*, vol. xxv. p. 1210. The most important of the amendments related to the bastardy clauses. As the bill was originally drawn the bastardy laws were entirely done away with. Great clamour was excited by the circumstance, and the Government accepted an amendment which enabled an order to be made in certain cases on the putative father to recompense the parish for any relief given to the child. The House of Lords modified this clause: declared that the order should be only obtained at quarter sessions, and that evidence besides that of the mother should be required. A large party in the Lords wished to throw the support of the illegitimate child on the father. Cf. *ibid.*, pp. 586, 1096. The Poor Law is the 4th & 5th William IV., c. 76. The present bastardy law is regulated by the 7th & 8th Victoria, c. 101, and 8th & 9th Victoria, c. 10.

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it was unable to command the services of the numerous body of its supporters or to secure the respect of its opponents. From the commencement of its career Ireland had been its difficulty. Ireland was the immediate cause of its downfall. The promotion of Stanley to the Colonial Office had not pacified O'Connell, and the session of 1833 had closed amidst the angry murmurings of Irish members. Immediately after the commencement of the recess Anglesey resigned the Viceroyalty. The wretched health which he had endured for years justified and accounted for his resignation. Grey desired that Melbourne, who had already filled the office of Chief Secretary, should succeed Anglesey. Melbourne naturally rejected an office which would have removed him from his friends in London and from his post in the Cabinet. Grey, in consequence, had to fall back on Lord Wellesley. It was certain that O'Connell's friends would be disposed to regard the appointment with some favour.

Ireland.

Lord Wellesley succeeds Lord Anglesey.

Wellesley's appointment did not pacify the Irish. Throughout the whole of the autumn of 1833 O'Connell everywhere declared that nothing but an independent Parliament in College Green would satisfy Ireland. He openly advocated the repeal of the Union. These declarations were so notorious that the King, at the commencement of 1834, was advised to refer to them in his Speech from the Throne. 'I have seen,' he was made to say, 'with feelings of deep regret and just indignation the continuance of attempts to excite the people of Ireland to demand a repeal of the Legislative Union. This bond of our national strength and safety I have already declared my fixed and unalterable resolution, under the blessing of Divine Providence, to maintain inviolate by all the means in my power.'[1] These words naturally irritated O'Connell and the Repealers. 'Are

[1] *Hansard*, vol. xxi. p. 4

the ministers,' asked Grattan, 'aware of what is said when they make the King declare that his Irish subjects have drawn down upon themselves his "just indignation"—that our Royal master is indignant with his people, and that his anger is not only great but "just"? . . . . May I ask, with due submission, whether the crying distress of his Irish subjects has excited his just indignation? . . . Has the complaint of want of employment, want of trade, want of manufactures (a state which an Irish Chancellor of the Exchequer declared was that of "a beggared gentry and a ruined peasantry"), has this state of things excited the just indignation of his Majesty? Is the King never angry but when the Irish seek for liberty and employment; and is he satisfied or silent when they starve for want of bread?' O'Connell, following up Grattan's declamation, moved the omission from the Address of the words which re-echoed the offensive paragraph. He was beaten by a decisive majority;[1] but his amendment afforded the Irish members a fresh opportunity for assailing the Irish policy of the Whig Ministry.

Discontent of the Irish.

These attacks consumed the greater portion of the first night of the session. On the following evening another subject afforded fresh proof of the irritation of the Irish members. In the course of the recess Matthew Davenport Hill, the member for Hull, in a speech to his constituents, had declared 'that an Irish member, who spoke with great violence against' the Coercion Bill, had secretly urged the ministers to force it through in its integrity. The speech was reported in the 'Examiner' of the 10th of November, and naturally excited a good deal of attention. On the second night of the session O'Connell asked Althorp whether he or any other member of the Government had ever stated

Hill's speech at Hull.

[1] By 189 notes to 23. *Hansard*, vol. xxi. p. 108; and cf., for Grattan's speech, *ibid.*, pp. 77, 78.

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that an Irish member had acted in the manner described. Althorp gave a flat denial to the allegation. No Irish member who voted against the Coercion Bill had made the statement in question to a Cabinet minister; but—so he very unnecessarily added—'he should not act properly if he did not declare that he had good reason to believe that some Irish members (certainly more than one) who voted and spoke with considerable violence against the bill did in private conversation use very different language.'

Most unnecessarily Althorp had repeated Hill's attack on the character of the Irish members. At O'Connell's suggestion they rose, one after another, to enquire whether they were the members alluded to.[1] The Speaker in vain attempted to stop the proceedings. O'Connell insisted on clearing the character of his friends. At last Althorp admitted that Sheil was one of the members to whom he had referred. Sheil, in the face of his country and in the presence of his God, declared that it was a gross and scandalous calumny. The expression made everyone grave. Hill, whose speech at Hull had been the original cause of the dispute, apologised to the House for all the trouble which he had unintentionally caused it. The Speaker suggested that the parties to the dispute should pledge themselves to leave the matter to the House. Burdett, following up the Speaker's suggestion, moved that both Althorp and Sheil should be put under restraint;[2] and both members were actually taken into the custody of the Serjeant-at-Arms.[3] Such a dilemma had, perhaps, never previously occurred in the House of Commons. Althorp, however, was persuaded by his friends to submit to the authority of the House. Sheil was induced to imitate Althorp's example; and the House, liberating both members from custody,[4] proceeded to appoint a

[1] *Hansard*, vol. xxi. p. 122.
[2] *Ibid.*, p. 132.
[3] *Ibid.*, p. 146.
[4] *Ibid.*, p. 149.

committee to enquire into the merits of the dispute. Evidence was given that, some months before, Sheil, while dining at the Athenæum, had entered into conversation with other members of the club upon the subject of the Coercion Bill. One of them, Mr. John Wood, had repeated the substance of Sheil's remarks to Althorp; but he told the committee that he had himself attached no importance to them. Macaulay, who had happened to be present on another occasion, very properly refused to tell the committee anything at all. The committee, in consequence, had nothing before it but Wood's account of Sheil's conversation. Hill, finding that he had no evidence to support his story, declared that the charge which he had brought, 'in a hasty and unpremeditated speech,' was 'totally and absolutely unfounded.' The committee, glad to escape from an unpleasant duty, reported their gratification to the House. Althorp made a halting apology to Sheil; and an affair which ought never to have occurred at all was allowed to terminate.[1]

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Hill's foolish speech at Hull, and the proceedings which it had provoked, had irritated the Irish members. Their irritation was increased by the conduct of a more prominent individual. In December 1833 Baron Smith, one of the Barons of the Irish Court of Exchequer, was appointed to preside at the Commission Court in Dublin. Smith was the oldest of the Irish judges.[2] His age hardly excused his eccentricities. He rarely came into court till half-past three o'clock.[3] He occasionally sat

Baron Smith.

[1] The report of the committee, (which is printed in *Hansard*, vol. xxi. p. 397) is in Parliamentary Paper, session 1834, No. 51. The evidence is not published. But for Wood's evidence see Sir H. Hardinge's speech in *Hansard*, vol. xxi. p. 411. For Macaulay's, Trevelyan's *Macaulay*, vol. i. p. 358; and *Greville*, vol. iii. p. 58. Sheil's biographer — MacNevin — is naturally jubilant at Sheil's acquittal. But no reasonable man can doubt that Sheil, both at the Athenæum and at Brooks's, must have said a great many things which in his position he ought to have left unsaid. Miss Hill has no new information on the subject. See *Life of M. D. Hill*, pp. 127–130.

[2] *Hansard*, vol. xxi. p. 301.

[3] *Ibid.*, p. 276.

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trying prisoners all through the night on capital charges.[1] The judge's habits, however, formed only a portion of the charge against him. The Irish complained that, in his charge to the Grand Jury in December 1833, he had delivered an elaborate argument against the conduct of his fellow-countrymen. He had, in fact, taken credit to himself for exposing their 'factious leaders.' 'I sounded the tocsin, and pointed out the ambuscade. . . . Two years ago I very unequivocally pronounced that tithe resistance was but one of three Cerberean heads, of which rent and tax resistance formed the other two; that law, property, and the Constitution were, in fact, what this triple monster bayed, and would, if placed within its reach, devour; but that a force less than herculean, if applied with firmness and in time, would drag him into light and tame him into submission.'[2] If Baron Smith had lived forty years later it would probably have been replied that the three Cerberean heads bayed under the three branches of the upas-tree. His confused metaphors, which must have been unintelligible to an audience accustomed to O'Connell's simple diction, might have been safely left unheeded. O'Connell, however, was naturally angry with a judge who thought it his duty to expound politics from the Bench, and gave notice of an address to the Crown for the removal of the Baron. The Ministry sent a private message to Smith that they would oppose the address, and no one thought much more of the matter. At the last moment, however, O'Connell changed his motion, fixed for the 13th of February, into a motion for a select committee of enquiry. Littleton, who had succeeded Hobhouse as Irish Secretary, and Althorp, taken by surprise, hurriedly consented to support O'Connell, and the enquiry was agreed to by a large majority.[3] But

[1] *Hansard*, vol. xxi. p. 302.
[2] *Ibid.* p. 278.
[3] *Greville*, vol. iii. p. 59. The motion was carried by 167 votes to 74. *Hansard*, vol. xxi. p. 350.

the debate irretrievably damaged the Government. Graham, coming into the House, refused to adopt the decision of his colleagues, and both spoke and voted against them.[1] Spring Rice, the Secretary to the Treasury, whose opinions, as the only Irish member of the Ministry, were of special importance, gave a silent vote against them; and Knatchbull gave notice of a motion to reverse the vote. Eight days afterwards Knatchbull's motion was carried, and Baron Smith was spared the ordeal of a damaging inquiry.[2]

The Ministers had not only sustained a defeat, they had also displayed their internal dissensions to Parliament. A great effort was obviously necessary to erase the recollection of these events. O'Connell had hitherto refrained from reproducing in Parliament the arguments which he had used out of doors for the repeal of the Union. His own pledges and the King's Speech almost compelled him to do so in 1834. He accordingly gave notice that he would ask on the 22nd of April for a select committee to report upon the means by which the Union had been effected, upon its effects on Ireland, and upon its probable consequences. The enquiry was, therefore, to deal with the past, the present, and the future.[3] For thirty-three years Parliament had been perpetually investigating every possible branch of the Irish question. 60 select committees and 114 commissions had been appointed on matters relating to Ireland.[4] Every phase of the Irish question had been placed in every possible light before successive committees and commissions. The bogs that were undrained, the roads that required repair, the fisheries which were undeveloped, the currency which was degraded, the schools that were abused, the manufactures that were

O'Connell's motion for enquiry into the Union,

[1] *Hansard.* vol. xxi. p. 334.
[2] *Ibid.*, p. 752. The motion was reversed by 161 votes to 155.
[3] *Hansard,* vol. xxii. p. 1158.
[4] See the list in *Hansard,* vol. xxii. p. 1204.

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neglected—these and kindred subjects had over and over again formed the subject of investigation. What could be easier than to add one more committee to the numerous enquiries which had already taken place?

These considerations had not much weight with the majority of the House. Every member who voted with O'Connell saw plainly enough that he was voting for Repeal. Every member who voted against him saw equally clear that he was maintaining the Union. On such a subject as this every politician had long since made up his mind, and the eloquence of the great advocate was useless. Yet the House went on debating O'Connell's motion for six nights. O'Connell occupied a whole night with his introductory speech. Spring Rice occupied a whole night in replying to him. Fortunately for the patience of the assembly, Spring Rice and O'Connell had exhausted the subject; and the other speakers, though they occupied four more nights with their arguments, did not take up so much time.

which is rejected.

After the conclusion of the sixth night the House rejected O'Connell's motion by 523 votes to 38. No less than fifty-seven Irish members voted in the majority.[1]

Such a division naturally destroyed the hopes of the Repealers. O'Connell had been unable to secure a majority of Irish members; and he could not plead that the selfish interests of Great Britain were interfering with the desires of Ireland. The division, however, afforded little relief to the Ministry. Ireland was still unpacified; the measures which had been taken in previous years had not satisfied the people; and the statesmen who were responsible for her government were busily devising

[1] *Hansard*, vol. xxiii. pp. 286, 287. It ought, perhaps, to be added that Spring Rice, after the rejection of O'Connell's motion, moved an address to the Crown expressing a determination to maintain the Union inviolate. This address was carried in the Commons, and subsequently agreed to at a conference between the two Houses of Parliament. For the address see *Hansard*, vol. xxiii. p. 291; for the conference, *ibid.*, p. 294; for the Lords' debate, *ibid.*, p. 295; for the King's answer, *ibid.*, p. 367.

fresh measures of relief. Stanley's Act for the compulsory composition of tithes had proved no more satisfactory than Goulburn's Voluntary Tithe Composition Act. Both measures had done something to remedy the grievance of the Irish cottiers. But it was with the composition as it had been with the tithe. The composition had to be collected from the small Roman Catholic farmer for the support of a Church whose faith he did not share. The cottier refused to pay his tithe; the Protestant clergyman failed to enforce it; and all the tithe proctors in Ireland and all the troops at the disposal of the Government proved powerless to collect it. In 1833, the tithes in arrear amounted to 1,200,000*l.* Littleton, soon after entering the Irish office, persuaded the Ministry to ask Parliament to grant a sum of 1,000,000*l.* to be paid to the tithe-owners on the security of these arrears, which the Irish Government was to be empowered to collect. The proposal naturally excited a good deal of opposition. Introduced, however, in a weary House, towards the close of a long session, it was suffered to pass, and the Irish Government became tithe-proctor for the whole of Ireland.[1]

Irish tithes.

Littleton's Tithe Bill.

A grant of this character conclusively proved the defects of the existing system. When Government felt itself compelled to defray the tithes of the Church out of the revenues of the State some alteration was obviously necessary. The only alteration, which would have been tolerable to the Repealers, was the unconditional abolition of tithes. The only alteration which could be proposed by a Government of which Stanley was a member must have proceeded on the assumption that the tithe should be preserved in its integrity. It was, in short, utterly impossible to devise any measure which would at once satisfy O'Connell and be acceptable to Stanley. All that Littleton dared to do was to push the principle

[1] See *Hansard*, vol. xx. pp. 341, 345, 560, 820, 884.

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which Stanley had laid down in 1832 a little farther. In 1832 Stanley had endeavoured to transfer the obligation of paying tithe from the cottier tenant to the last lessor.[1] The scheme had done a great deal to free the tithe-owners from the necessity of extracting the tithes from the poorest cottiers. In 66 parishes, in which enquiries were made for the purpose of ascertaining its effect, it was found that the number of tithe-payers had been reduced by more than one-half.[2] In 903 parishes the number had been reduced by considerably more than one-third.[3] Littleton desired, after the 1st of the following November, to commute the tithe into a land tax, payable to the State, to reduce its amount by one-fifth, and to allow any person having a substantial interest in the estate to redeem the residue of it after five years had expired on easy terms.[4] The scheme was not received with much favour. Extreme Tories like Inglis feared that it would have the effect of diminishing the resources of the Irish Church.[5] O'Connell saw plainly enough that the tax was only another name for the tithe, and that the scheme was the grossest of delusions, the 'most excellent humbug.'[6] It was at once evident that Littleton's bill—whatever other effect it might have—would not have the effect of satisfying the Irish.

Stanley had only reluctantly assented to this mild and inoffensive measure.[7] His reluctant assent did not improve the position of the Government. Many of the ministers almost openly declared that the Cabinet was on the brink of dissolution,[8] and the differences which were supposed to exist among its members were the subject of common discussion. While these rumours

[1] See *ante*, p. 122.
[2] From 16,231 to 7,047. *Hansard*, vol. xxi. p. 580.
[3] From 346,000 to 214,000. *Hansard*, vol. xxvii. p. 16.
[4] *Ibid.*, p. 591.
[5] *Ibid.*, p. 621.
[6] *Ibid.*, p. 594.
[7] See Lord Hatherton's memoir, p. 7.
[8] See Brougham's memo: on the situation in *Brougham*, vol. iii. p. 357.

were still rife Littleton, on the 2nd of May, asked the House of Commons to read the Tithe Bill a second time. The motion gave rise to an angry debate, which was ultimately adjourned till the 6th of May. That evening was long remembered by the principal actors. The debate was in the first instance interrupted by a motion of O'Connell for counting the House. The House was counted. One hundred and eighteen members were present; and Ronayne, an Irish member, complained that they could not muster 'more than one hundred' members on a question of the utmost importance to Ireland. Stanley, who was at any rate one of the hundred, smiled at the vehemence of Ronayne's language; and Ronayne, turning upon him, declared that he was 'too well accustomed to the insolence' of the Right Honourable gentleman to be annoyed by it.[1] Stanley, more amused than angry, declared that he had only smiled at the plan which had been so palpably preconcerted between Ronayne and O'Connell, and with much point and wit implied that, of the five O'Connells in the House, only one had been present among the one hundred and eighteen. O'Connell retorted on Stanley for 'his usual disregard of veracity,' and was called to order by the Speaker. The angry scene was at last terminated by the resumption of the debate on the Tithe Bill.

Heat had characterised the commencement of the sitting. Nothing but heat could be expected in the debate. Yet the whole tone of it was changed by a speech from O'Connell. Every trace of passion had passed from him when he rose. He even ventured to express his 'deep, deep regret' at the irritability which he had displayed at the commencement of the evening.[2] He was ready[3] to cast from his heart every feeling of anger,

O'Connell's speech.

[1] 'The Right Honourable gentleman might smile contemptuously as much as he pleased; he might throw his legs upon the table like a man in a North American coffee house.' *Hansard*, vol. xxiii. p. 624.

[2] *Ibid.*, p. 653.

[3] *Ibid.*, p. 650.

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hostility and vexation, and with all possible calmness, and, if necessary, with the bated breath and whispering humbleness of a beggar, to offer his best suggestions as to the description of bill which was most likely to give general satisfaction to the Irish people. He admitted that the Irish had been wrong: he pleaded the centuries of misrule from which they had suffered as their excuse:

> Be to her faults a little blind,
> Be to her virtues ever kind.

The effect of the speech was all the greater from the unexpected nature of its language. In Ireland the great Dictator, as he was commonly styled, was severely blamed for his unusual moderation. In England his influence was suddenly raised to a point which it had never previously attained. Stanley, though answering his arguments, was touched by his language, and expressed over and over again his gratification at the tone and temper which O'Connell had exhibited, and which would add still greater distinction to his Parliamentary career than any which he had yet acquired.[1] Peace seemed after all to be possible when O'Connell held the olive-branch to the Government, and Stanley returned the palm to O'Connell.

Surprises, however, were to be the rule of the evening. Some of the Cabinet who differed from Stanley were not, probably, too well pleased to see peace concluded between the Irish Dictator and the Colonial Secretary. One of them (Russell) chose to assume that, in answering O'Connell, Stanley had adhered to the opinions which he had often expressed of the necessity of maintaining the Irish Church in its integrity. Even if Stanley had expressed the opinion which Russell opposed it was quite unnecessary to notice it. Russell, however, afraid of being committed to a policy which he disapproved,

Russell 'upsets the coach.'

[1] *Hansard*, vol. xxiii. p. 1159.

by a declaration which he fancied had been made, thought it necessary to explain his own view. 'If the State should find that the revenue of the Church was not appropriated justly to the purposes of religious and moral instruction . . . it would then be the duty of Parliament to consider of a different appropriation.'[1] The declaration was, of course, received with cheers from Radicals and Repealers. One member declared that 'it would pour more oil into the wounds of Ireland than any speech that had been made in that House.'[2] It was not, at any rate, likely to pour oil into the wounds of a suffering Cabinet. Stanley expressed his sense of it by a laconic note to Graham: 'Johnny has upset the coach.'[3]

Dissensions in the Cabinet.

A slight attempt was, indeed, made to avert the catastrophe which was threatening the Ministry. Littleton took upon himself to declare that all the members of the Government concurred in thinking that the realisation of the revenues of the Church was the first point for consideration, and that their appropriation might be reserved for subsequent discussion. Sheil immediately asked him whether he meant to censure the Paymaster of the Forces. Althorp admitted the differences which existed in the Cabinet, and substantially supported Littleton.[4] The House, instead of debating the bill, continued to discuss the dissensions in the Ministry, and separated in some confusion. The rumours which had been already circulated acquired consistency, and politicians speculated almost openly on the secession of some of the more prominent members of the Cabinet.[5] Among the new members of the House of Commons was Henry Ward, the son of Plumer Ward. The father is still remembered for the Diary which he kept during the

[1] *Hansard*, vol. xxiii. p. 666.
[2] *Ibid.* p. 667; and cf. p. 668.
[3] See Russell's own account, in *Recollections and Suggestions*, p. 120.
[4] *Hansard*, vol. xxiii. p. 674.
[5] *Greville*, vol. iii. p. 82.

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earlier years of the century, and for the rather heavy novels, of which 'Tremaine' was the most popular, which obtained a wide circulation more than fifty years ago. The son is recollected by a few persons as a successful administrator in the Ionian Islands and in Ceylon, and by a few more persons for the witty epigram which praises his memory at the expense of his affections.[1] Ward had formed a strong opinion that the revenues of the Irish Church exceeded the requirements of the Protestant Establishment, and that the surplus ought to be applied to other purposes by Parliament. He decided on proposing a resolution embodying this opinion. The resolution was fixed for the 27th of May, and at once brought the differences which were distracting the Government to a decisive issue.[2]

Ward's 'appropriation resolution.'

Interested persons, indeed, still hoped to heal the wounds which were destroying the Administration. Brougham endeavoured to find some common ground of agreement by proposing the appointment of a commission to enquire into the revenues of the Irish Church and the proportion which her members bore to the population of Ireland.[3] Stanley saw plainly enough that the issue of such a commission must eventually lead to the partial disendowment of the Church, and refused to agree to it. It was known that Graham, Ripon, and Richmond shared his fears, and would follow his resignation with their own. Yet nothing was actually settled till the very eve of Ward's motion. Althorp himself was not aware of his colleagues' resignation until after the debate had begun. He rose at once to ask the

Stanley, Graham, Richmond and Ripon resign.

[1] 'Ward has no heart, they say;
but I deny it—
He has a heart, and gets his
speeches by it.'

[2] Palmerston, writing to his brother (*Palmerston*, vol. ii. p. 197) says that Ward's motion was planned and directed by Durham. *Greville* (vol. iii. p. 87) says that the violent party wished the Government to be reinforced with Durham, Mulgrave, 'and that sort of thing.' Le Marchant (*Spencer*, p. 487) declares that Mulgrave was opposed to the motion.

[3] *Resolutions and Suggestions*, p. 122.

House to suspend the debate,[1] and the members separated to discuss the possibilities of the situation and the probable fall of the great Whig Ministry. Its immediate downfall seemed, indeed, almost certain. Grey himself, notwithstanding the energetic advice of Brougham,[2] was anxious to retire;[3] and Althorp felt his authority slipping from him,[4] and longed to escape from the anxieties of his position. Nor was it an easy matter to fill up the vacancies which had occurred in the Cabinet. In 1832 hardly a constituency would support a member of the Opposition. In 1834 hardly a constituency would return a member of the Government. In March 1834 Sir John Campbell had been made Attorney-General. He had lost his seat in consequence. 'The ministers,' said a close observer, 'will be forced to put peers in the vacant places, because nobody can get re-elected.'[5]

In three of the four situations which had become vacant these shrewd anticipations were fulfilled. Lord Conyngham succeeded the Duke of Richmond at the Post Office; Lord Auckland replaced Graham at the Admiralty; Lord Carlisle, who had held a seat in the Cabinet without office, became Privy Seal; Spring Rice, who had been Secretary of the Treasury for some years, and had gradually acquired distinction as a debater, was selected to succeed Stanley at the Colonial Office. Abercromby was appointed Master of the Mint; Poulett Thomson, President of the Board of Trade; and Francis Baring, who had been a Lord of the Treasury since

Reconstruction of the Ministry.

[1] *Hansard*, vol. xxiii. 1400. Mrs. Grote says that Ward's speech as reported at full length was not delivered. *Personal Life of Grote*, p. 90.

[2] 'As to *not* going on after all that has passed, it is absolutely ridiculous.' *Brougham*, vol. iii. p. 372.

[3] *Stockmar*, vol. i. p. 324.

[4] He had been beaten, early in the session, on a proposal relating to the powers to be granted to the London and Westminster Bank. Althorp thought the measure a breach of faith with the Bank of England, but was beaten by 141 votes to 35. *Hansard*, vol. xxiii. 694. He endeavoured to reverse the decision on the 26th of May, 'imploring everybody to come and support him' (*Greville*, vol. iii. p. 87); but he was again beaten by 137 votes to 76. *Hansard*, vol. xxiii. p. 1320. Cf. *Eldon*, vol. iii. 222.

[5] *Greville*, vol. iii. p. 88.

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1832, succeeded Spring Rice as Secretary to the Board; Edward Ellice, who had been Secretary at War since Hobhouse's promotion to the Irish office, was at the same time admitted to the Cabinet.[1]

A few persons (with whom the wish was, probably, father to the thought) imagined that the Ministry would derive fresh vitality from these alterations. Divided counsels, they argued, had previously been a source of weakness: unanimity would produce consistency and strength. Less interested observers saw nothing but disadvantage in a change which removed the only eloquent debater from the Treasury Bench. In one respect, indeed, Stanley's resignation improved the position of the Ministry: no more objections were offered in the Cabinet to the issue of a commission on the Irish Church; and Stanley, who exerted himself to prove that it involved 'a principle destructive of the very existence of an Established Church,'[2] had the mortification to find that the ablest members on the Opposition benches repudiated his views, and that Peel was prepared to consider the propriety of redistributing Church property.[3] Ward's motion was rejected by a very large majority,[4] and the House adopted the compromise which the issue of the commission afforded. Like many compromises, however, the commission satisfied no one. O'Connell, on the one hand, described it as a wet blanket.[5] The Royal family, on the other hand, shared the opinions of Stanley. The King, forgetting his duties as

The Irish Church Commission.

[1] Abercromby was member for Edinburgh. Jeffrey, who had been his colleague in the representation since 1832, was raised to the Scotch Bench about the time of Abercromby's appointment to the Mint; and Campbell, who had been rejected for Dudley, as one of 'the base and bloody Whigs' (*Chancellors*, vol. viii. p. 427), and who had been in search of a seat for months, was returned for the Scotch capital with Abercromby. Spring Rice had a severe contest with Sugden for Cambridge.

[2] *Hansard*, vol. xxiv. 35.

[3] *Ibid.*, p. 59. It was this speech which made Ellice observe that Peel should have been Stanley's successor. *Spencer*, p. 491.

[4] By 306 to 120. *Ibid.*, p. 86.

[5] *Ibid.*, p. 47.

a constitutional sovereign, thought proper to assure a deputation of the Irish Bishops of his resolution to defend the Church.[1] In signing the commission he declared that his signature pledged him to nothing.[2] The King's next brother, the Duke of Cumberland, formally declared in the House of Lords that he never could, and never would, consent to any alienation of Church property.[3] Nine years before a similar declaration, made by the Duke of York, had thrown the kingdom into excitement. Fortunately, in 1834 no such consequence was likely to ensue from any words which might fall from the Duke of Cumberland. In 1825 the Duke of York had been heir-presumptive to the throne. In 1834 a little girl, still in her teens, stood between the Crown and the Duke of Cumberland, and deprived the opinion of his Royal Highness of any significance.

Impotent and improper, however, as were the speeches of King and Duke, they had the natural effect of increasing O'Connell's dislike to the commission and to the Tithe Bill in which the commission had originated. Two years before O'Connell's attitude of resistance would have led to a sharp debate between him and Stanley. Littleton had not the vanity to suppose that he could face O'Connell in the House, but he had the assurance to imagine that he could manage him outside of it.[4] The Coercion Bill of the previous year expired with the close of the session. O'Connell especially objected to the clauses in it which enabled the Lord Lieutenant to prohibit public meetings. Would it not be possible in renewing the bill to drop these clauses, on the understanding that O'Connell should allow the Tithe Bill to pass? It was true that Lord Wellesley

Littleton undertakes to manage O'Connell.

[1] The King's speech is reported in *Ann. Reg.*, 1834, Hist., p. 43. Cf. *Hansard*, vol. xxiv. p. 24; and *Greville*, vol. iii. p. 92.

[2] *Stockmar*, vol. i. p. 326.

[3] *Hansard*, vol. xxiv. p. 307.

[4] 'Leave me to manage Dan,' was, according to Greville, his declaration on taking office. *Greville*, vol. iii. p. 103.

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had specially recommended the Cabinet to adhere to them, and that he had based his opinion on the 'unanimous and powerful' recommendation of his subordinates.[1] Wellesley, Littleton thought, could easily be moved by a little pressure. A little management and a little tact seemed all that was necessary; and the man who set about effecting this notable scheme had less tact and less power of managing men than any member of the Government.

Wellesley had told Littleton to consult Brougham in all cases of difficulty. Brougham readily consented to the policy of abandoning the meetings clauses and agreed that both Littleton and he should write to the Viceroy and urge him to consent to their abandonment. The day after the letters were despatched, and three days before it was possible to receive answers to them, the Cabinet formally decided to adhere to the clauses; and Brougham had not the common honesty to say a word about the letter which he had sent the day before to Wellesley.[2] Three days afterwards Grey was surprised to receive a letter from the Viceroy pledging himself to govern Ireland without the clauses, which in every previous letter he had declared to be indispensable. The same post which brought Wellesley's letter to Grey produced a letter from the Viceroy to the Chief Secretary. It so happened that an election for Wexford was about to take place, and that O'Connell was contemplating a fresh agitation in consequence. Littleton, armed with Wellesley's letter, called on Althorp, proposed that he should see O'Connell and persuade him to abandon his agitation by assuring him that the Coercion Bill would not be renewed in its full rigour. Althorp

He is assisted by Brougham.

[1] *Ann. Reg.*, 1834, Chron., p. 329.

[2] The letter to Lord Wellesley was dated June 19: the Cabinet sat on June 20. Lord Wellesley's reply was received June 23. See Lord Hatherton's memoir, pp. 9, 10. Brougham, in his memoir (vol. iii. p. 392), suppresses his own share in the discreditable intrigue.

assented to the suggestion, though he impressed caution on Littleton. Caution was a virtue which Nature had not bestowed on the Chief Secretary for Ireland. He sent at once for O'Connell. He told him of the Viceroy's offer; he told him of his own views; he assured him that the Coercion Act would not be brought in. He called him back to add that it would not, at any rate, be brought in by himself; and he never attended to Althorp's orders, except to impress on O'Connell that the communication was confidential.[1]

Littleton's interview with O'Connell.

O'Connell, misled by the assurances of Littleton, urged his friends to support the Whig candidate for Wexford. For forty-eight hours Littleton satisfied himself by the reflection that his management had won the Whig candidate a few votes. His equanimity was soon disturbed. Wellesley's offer had been admittedly made in deference to suggestions from England; and Grey, annoyed that such suggestions should have been made without his knowledge, asked Wellesley to reconsider the matter on Irish grounds. In answer to the appeal Wellesley adhered to his offer, but continued to base it on the supposed necessities of the Government in England. The Cabinet again met on the 29th of June to consider the question,[2] and a majority of its members agreed to go on with the bill in its integrity. Littleton thought it his duty to break the possibility of such an occurrence to O'Connell. O'Connell told him that he had only one course to take—to resign.[3] But Littleton did not resign. He clung to the hope that Althorp would refuse to introduce the bill, and that Althorp's resignation would avert the necessity of his own. He recollected that, at the worst, his conversation with O'Connell had been secret, and he could not, therefore, believe that his own indiscreet communication would

[1] *Hansard*, vol. xxiv. p. 1105. [2] Lord Hatherton's memoir, p. 14.
[3] *Hansard*, vol. xxiv. p. 1111.

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be made public. On both points the event proved him wrong. Althorp, finding that his own retirement would lead to the immediate resignation of Grey, and ignorant of the indiscretion which Littleton had committed, gave a reluctant assent to the measure.[1] Grey introduced his bill; and O'Connell, thinking he had been tricked, declined to allow Littleton the advantage of secrecy, and revealed the particulars of his communication to the House.[2] It was the fashion in those days to judge the great Irish agitator by a standard which was not applied to other persons. Politicians of 1834 had no patience with O'Connell's breach of confidence. They forgot to observe that even a breach of confidence may be justified by misconduct which it would otherwise be impossible to reveal.

Littleton resigns.

Littleton, shocked at the scrape into which he had fallen, resigned his office. His resignation on the 1st of July would have saved his character for consistency. His resignation on the 4th of July only increased the confusion. Althorp, Brougham, and Grey[3] begged him to go on; and Littleton consented to do so. But this consent only postponed the crisis for a few hours. On the 7th of July Althorp laid some Irish papers before the House and moved that they should be printed. O'Connell proposed to refer them to a select committee. Althorp secured in the division an easy victory over O'Connell; but he felt that he had no sound argument to rely upon. He could not support a proposal to which he was personally opposed without ruin to his character, and he was ashamed of the speech which he felt it his duty to make. That very evening he communicated to Grey his determination to resign his office. Grey thought it impossible to carry on the Government without Althorp's assistance; and in laying his colleague's resignation before the King

[1] *Spencer*, p. 499.
[2] *Hansard*, vol. xxiv. p. 1103.
[3] *Spencer*, pp. 503-4. Lord Hatherton's memoir, pp. 63, 65.

accompanied it with his own. On the 8th of July, he postponed the Coercion Bill for twenty-four hours, and on the 9th he explained, in an affecting speech, the causes of his retirement.[1]

The retirement of Lord Grey.

The retirement of Lord Grey in 1834 proved the conclusion of a political career which had extended over more than forty years. For nearly nine-tenths of the period Grey had been in opposition to the Ministry. He had thus less opportunity of conferring benefit upon his country than almost any of his predecessors. Yet perhaps Britain owes more to him than to any other minister. Chatham's Ministry had been more glorious, Pitt's more enduring. Yet neither of them accomplished one tithe of the good which was reserved for Grey. The reform of a Parliament was not the most remarkable fact in Grey's career. The distinction for which he deserves to be recollected is, that he had foreseen at thirty the necessity of the measure which he carried at seventy. This circumstance gives a unity and consistency to his life which none other of his predecessors and contemporaries can claim. Peel was possibly as wise as Grey; but Grey, unlike Peel, was as prescient as he was wise.

His Administration.

Reform was the main object of Grey's Administration. Grey himself should be judged by the Reform Bill alone. It is true that his Ministry carried other measures which deserve remembrance by humanity. The Cabinet to which Belgium owes its independence, to which three-quarters of a million of slaves owed their freedom, to which the working classes owe the first Factory Act, to which England owes the Poor Law, has other claims than the reform of the House of Commons on the gratitude of posterity. These things, however, were the work of the Ministry: they were not the special work of Grey. It was his good fortune to have Palmerston

[1] *Hansard*, vol. xxiv. pp. 1291, 1305.

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at the Foreign Office, just as it was his evil fortune to have Stanley at the Irish Office; and Grey was no more responsible for the liberal policy of the one statesman than for the coercive measures of the other. Grey, in fact, seemed to have been raised up to carry Reform. The passage of the Reform Bill made his own tenure of power an anachronism. He had grown up to old age amidst the abuses of the old system. He could not adapt himself completely to the new system which he had substituted for it. His enemies enumerated all the good places which he had given to his numerous relations, and asked whether Parliament had been reformed to provide pluralities for a brother, an embassy for a brother-in-law, a place in the Cabinet for one son-in-law, a Lordship of the Treasury for another, or an under-secretaryship for a son. They forgot that old men are unable to divest themselves of the ideas which have surrounded a long life: they forgot that it is easier to rebuild a house than alter the habits of a lifetime.

Posterity, however, should have forgotten the slight abuses to which Grey could stoop, and should have recollected the great Reform which it owes to his consistency. Grey has done for legislation what Watt did for trade. The inventor of steam supplied the force which made other inventions practicable. The minister of Reform supplied the force which made other reforms possible. Yet men render only a tardy tribute to their greatest benefactors. No fitting memorial has ever been erected in London to the inventor of the steam-engine. No fitting statue has been erected in Westminster to the memory of Grey. Statues of four of his contemporaries guard the vestibule of the Legislature. Statues of two of his subordinates have been placed in Parliament Square. Yet the nation, which has thus perpetuated the fame of Pitt and Fox, of Canning and Grattan, of Palmerston and Stanley, has erected

no adequate monument to Grey. The visitor to Westminster who desires to find some worthy record of his great achievements must repair to the chamber where the representatives of a free people deliberate on the affairs of a world, in the interests, not of an oligarchy, but of a nation, and there say of him, as was said of Wren, 'Si monumentum quæris circumspice.'

Grey's great merits, hardly recognised by posterity, did not much affect his contemporaries. The possible reconstruction of the Ministry formed a much more engrossing topic of conversation than the achievements of the late minister. From the King in his palace to the gossip in his club all men were discussing the necessities of the situation. The King was weary of Liberal measures. He accepted Grey's resignation, and placed himself in communication with Melbourne. But he desired Melbourne to communicate with Wellington, Peel, and Stanley, and to endeavour at this crisis to prevail upon them to afford their aid and co-operation towards the formation of an Administration upon an enlarged basis. Melbourne, distrusting coalitions in general, and thinking the union with Peel impracticable, declined the offer; and the King, annoyed at his refusal, ordered him to communicate the memorandum in which the offer had been suggested to the Opposition leaders. Its communication was duly acknowledged; and the King, forced to abandon his projects of coalition, and unprepared to place his fortunes in the hands of a Conservative Government, was compelled to entrust the formation of a new Ministry to Melbourne.[1]

Melbourne is sent for.

In forming his new Ministry Melbourne experienced only one difficulty: Grey had resigned because Althorp had retired; and the Liberals were unanimous in desiring Althorp's continuance in office. Two hundred and

[1] *Melbourne*, vol. ii. pp. 3–12. *Stockmar*, vol. i. p. 324. *Recollections and Suggestions*, p. 128. Peel's memoir, vol. ii. p. 1.

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six of them addressed a letter to him expressing their regret at his retirement and promising their support in the event of his remaining in office. The address was signed by politicians of every shade of opinion—by O'Connell, the Liberator; by Hume, the economist; by Grote, the philosophic Radical; by Cutlar Fergusson, the friend of Poland.[1] Such a demonstration had perhaps never previously been presented to any public man. Touched by it, Althorp reluctantly withdrew the resignation which he had already tendered and consented to remain in office. He had one advantage in altering his decision which none of his colleagues could have claimed. They, without exception, enjoyed the excitement and importance of office. He detested the duties and the cares which were connected with it. Some of them were ready to sacrifice their friends for the sake of preserving their power. He, on the contrary, sacrificed himself for the sake of his friends and his party. He remained in office; and he had the generosity to stipulate that Littleton's resignation should be cancelled as well as his own. The unfortunate official whose deplorable want of judgment had broken up the Ministry was thus saved from the consequences of his own misconduct, and was permitted to remain for a few additional months Chief Secretary of Ireland.

Althorp withdraws his resignation.

The Melbourne Administration.

The task of forming the new Ministry, or of reconstructing the old one, otherwise proved an easy one. Melbourne himself succeeded Grey at the Treasury; Duncannon, who had been a member of the Reform Committee of 1830, who since that time had administered the Woods and Forests, and who was brother-in-law to the new Prime Minister,[2] was transferred to the Home Office; and Hobhouse rejoined the Ministry in succession to Duncannon. The change which was thus effected

[1] *Spencer*, p. 576. Cf. *Hansard*, vol. xxv. p. 61.
[2] *Hansard*, vol. xxv. p. 58.

was less a change of men than of measures. On the 17th of July, three days after the new Ministry was formed, Melbourne told the Lords that the Government did not intend to proceed with the Coercion Bill, but to introduce another measure without the clauses which had given so much offence to O'Connell.[1] On the following evening Althorp, in the House of Commons, explained the nature of the measure which it was thus intended to introduce. The Lord Lieutenant, it was proposed, should have power to proclaim disturbed districts. In proclaimed districts, meetings held without authority were to be deemed illegal meetings; persons out of doors between sunset and sunrise were to be guilty of an offence; persons having arms in their possession were to be guilty of a misdemeanour. In addition to these clauses, which referred only to proclaimed districts, two general provisions were introduced for the protection of juries, and for preventing the collection of tumultuous assemblies by signal. The court-martial clauses, which had excited so much just indignation in 1833, and the meetings clauses, which had broken up the Government in 1834, were omitted from the measure.[2]

The new Coercion Bill.

A bill of this character was offensive to every friend of freedom. But it seemed inoffensive enough when it was contrasted with the measure it had replaced. Althorp's frank confession, moreover, that the bill went 'far beyond what the Constitution of the country ought to allow,' disarmed the opposition of the Radicals. His proposal that the law should only remain in force till the 1st of August, 1835, still further conciliated them. The only formidable criticisms came from the Tory benches. The Tories were furious at the omission of the severer clauses; and an Irish peer declared that 'such a degree of inconsistency, of political tergiversation, of total unblushing abandonment of principle, never was exhibited

[1] *Hansard*, vol. xxv. p. 32.

[2] *Ibid.*, p. 137.

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by any set of public men in either House of Parliament.'[1] Peel himself expressed[2] his 'deep regret at the course which the ministers had thought proper to pursue,' but he at the same time intimated his intention of supporting them. In consequence of Peel's declaration the bill made rapid progress. Read a first time on the 18th of July,[3] it passed its second reading on the 21st,[4] its third reading on the 26th of July.[5] Three days afterwards Wellington endeavoured, in the Lords, to restore the omitted clauses: his amendment was negatived without a division, and the bill became law.[6]

The passage of the modified Coercion Bill relieved the Ministry of one difficulty. But the modifications which had been introduced into the measure had been made with the view of pacifying O'Connell, and of securing his acceptance of the Tithe Bill, and O'Connell disliked the Tithe Bill as much as ever. The original bill, which had been brought into the House in February, had been slightly altered in June; and additional inducements had been given to the landowner to convert the tithe into a rent-charge on his estate;[7] but these alterations

[1] Lord Wicklow. *Hansard*, vol. xxv. p. 32.

[2] *Ibid.*, p. 160.

[3] *Ibid.*, p. 192.

[4] By 146 votes to 25. *Ibid.*, p. 323.

[5] *Ibid.*, p. 577.

[6] *Ibid.*, pp. 688–697.

[7] The original plan has already been explained, *vide supra*. Under the amended plan the landowner who consented to convert the tithe into a voluntary rent-charge was entitled to a premium. The rent-charge was to be a sum equal to the interest at 3½ per cent. on the amount of land tax multiplied by four-fifths of the number of years' purchase which the land was worth. It is doubtful whether Littleton himself understood this complicated scheme. The loss to the Church was to be made good by the application of the Perpetuity Purchase Fund. Stanley cut the proposition to pieces in a speech which was long recollected as the 'thimblerigging speech.' 'He had never witnessed anything like the principle on which Government were proceeding, except among a class of persons who were not generally received into society, and the instruments of whose calling were a small deal table and four or five thimbles. The skill of these persons was shown by dexterous shifting of a pea—placing it first under one thimble, then under another, and calling on the bystanders to bet under which thimble it was. His Right Honourable friend had got the pocket of the Church, the pocket of the State, the pocket of the landlord, the pocket of the tenant, the Perpetuity Fund, and the Consolidated Fund, under his various thimbles . . . and, as all the thimbles were taken up it would be found that the property had altogether

The Tithe Bill.

did not improve the position of the measure. The Tories disliked it because it openly deprived the Church of one fifth of the tithe; the Irish disliked it because it left the Church four-fifths of its revenues. The Tories gave it a grudging support for the purpose of preventing the introduction of a larger measure. The Repealers met it with a vigorous resistance.

These tactics became clear enough on the 29th of July, when the House was at last asked to resolve itself into a committee on the bill. O'Connell, repeating his previous criticisms, asked for delay. The measure, so he argued, would give no satisfaction to the Irish. It could not come into complete operation for more than five years. There could, therefore, be no immediate hurry about it; and there was no reason why the House should not wait till the Church Commission had reported, and then deal with the whole question of the Irish Church.[1] His proposal was resisted by the united strength of Tories and Liberals, and the House decided by 154 votes to 14 to go into committee.[2] O'Connell had sustained one of the most severe defeats which he had yet encountered; but he was on the eve of the greatest victory which he ever gained in the House of Commons. On the following night, when the House was in committee, he startled it with a new proposal. Littleton had always pleaded for five years delay before the bill came into complete operation, in order that the Government might have the opportunity of collecting the arrears due to it for the advances which it had made to the tithe-owners. The Government, O'Connell urged, might fairly run the risk of losing these arrears for the sake of pacifying Ireland. In that case the tithe could be converted immediately into a rent-charge, and two-fifths of it be at once aban-

disappeared, and the dupes would be laughed at.' *Hans.*, vol. xxiv. p. 1147.

[1] *Hansard*, vol. xxv. p. 713.

[2] *Ibid.*, p. 747.

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doned. 'That would give an immediate bonus of 40 per cent. to all, and everybody would understand it.'[1] A portion of the loss to the Church could be made good out of the Consolidated Fund, which, in its turn, could be repaid out of the Perpetuity Purchase Fund.[2] The proposal was undoubtedly wiser and simpler than the complicated scheme which Littleton had devised. It commended itself to the good sense of almost every Liberal in the House of Commons. The Government, indeed, thought it necessary to oppose so radical an alteration of the principle of their measure. Notwithstanding their opposition O'Connell's amendment was carried by a large majority.[3] The measure passed rapidly through its remaining stages, and was read a third time on the 5th of August.[4]

The bill in the Lords.

The bill, however, had still an ordeal to go through. The Lords had still time to save two-fifths of the property of a dying Church. Moderate men thought that the peers would have acted wisely in restoring the measure to its original shape, and in throwing on the Commons the unpopularity of rejecting it. Compromises did not find much favour with the hotheaded noblemen who composed the House of Lords in 1834. By a very large majority—189 votes to 122—they decided on rejecting the bill altogether.[5] Their decision was productive of consequences which the most clear-sighted among them failed to perceive at the time. The bill, if it had become law, might possibly have preserved the Church of Ireland. Its rejection made the disendowment of the Church a mere question of time.

The Lords threw out the Tithe Bill on Monday, the

[1] *Hansard*, vol. xxv. p. 757.

[2] Seventeen-and-a-half per cent. Cf. *Hansard*, vol. xxvii. p. 23, and Bill No. 545, session 1834. The Perpetuity Purchase fund was the fund available from the reduction of Irish bishoprics.

[3] *Ibid.*, vol. xxv. p. 771.

[4] *Ibid.*, p. 993.

[5] *Ibid.*, p. 1204. *Courts and Cabinets of William IV. and Victoria*, vol. ii. pp. 118-119.

11th of August; on the following Friday Parliament was prorogued. The session had been long; peers and commoners were equally anxious to escape from the heat and bustle of London; but they had not the satisfaction of reflecting that they had accomplished anything of importance. The new Poor Law was their only considerable achievement, and, in passing the Poor Law, Parliament had merely ratified the conclusions of an able commission. In every other respect the session had been a failure, and the Ministry was undoubtedly responsible for the failure. The Government, in fact, had not succeeded in satisfying anyone. They had alarmed the Tories without conciliating their own supporters; divisions had sprung up among their followers; dissensions had dispersed the Cabinet. Grey's Administration had been wrecked on Irish questions, and Ireland was still unpacified. 'The Irish people,' wrote O'Connell to Duncannon, at the commencement of the recess, 'allege, and they allege truly, that since Earl Grey came into office, even to the present moment, nothing has been done for Ireland.' 'I write more in sorrow than in anger,' he added in another letter. It is true that you have deceived me—bitterly and cruelly deceived Ireland. But we should have known you better. You belong to the Whigs; and, after four years of the most emaciating experience, we ought indeed to have known that Ireland had nothing to expect from the Whigs but insolent contempt and malignant but treacherous hostility.'[1]

O'Connell's attack on the Whigs.

O'Connell's indignation was not altogether just. Throughout the whole of the session he had been treated with exceptional deference by the Government. Irish members declared that his influence was paramount in Downing Street.[2] The Tithe Bill had been altered to

[1] *Ann. Reg.*, 1834, Hist., p. 333.

[2] Lambert, writing to Lord Clon-curry, on June 3, said: 'If you want to carry any point with the Govern-

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secure his support. His amendment to it had been accepted by the House of Commons: its loss had been due to the obstinacy of the Tory peers; and, in strict justice, O'Connell should have vented his displeasure on Cumberland and Wellington, and not upon Duncannon. Great agitators cannot, however, always afford to be just, and O'Connell chose to hold the Ministry responsible for all its failures. His conduct was partly justified by the evident mortification of some of the ministers. Melbourne and Althorp, indeed, cared but little for the rejection of their measures. From their point of view it was of no importance whether the tithe question was settled in 1835 or 1834. But there was another member of the Cabinet whose restless disposition was less easily satisfied. Brougham was deeply mortified at the discredit into which the Government had fallen. He was gradually becoming conscious of the mistake which he had made in accepting the Chancellorship. He yearned for power beyond all his contemporaries, and he found that he had no power in the listless assembly which only laughed at his most splendid declamations.

Brougham's annoyance.

Another reason, moreover, increased Brougham's mortification. For two years after the formation of the Whig Ministry he had been the subject of almost daily eulogy. Every newspaper had borne testimony to his abilities and his services. The Whig journals had ascribed all the successes of the Government to his energy: the Tory papers had excepted him from their denunciations of the Cabinet.[1] But, after three years of office, the chorus of praise was suddenly arrested. At the commencement of 1833 some newspaper actually suggested that the great Whig Chancellor was meditating an alliance with the Tories. The god of 1832 was

ment, apply to Mr. O'Connell for his interest: it will not fail.' *Cloncurry*, p. 461.

[1] Campbell, in *Lives of the Chancellors*, vol. viii. p. 413, mentions this, which will be evident to any one who turns over the newspaper files for the period.

thenceforward regarded as of no higher importance than a Ripon or a Richmond. But he still retained the support of the 'Times.' In 1834 an act of treachery on the part of one of his own officers brought upon him the thunders of the leading journal. The 'Times' was violently opposed to the new Poor Law. Its criticisms on the bill damaged the position of the Government; and Althorp, alarmed at the ability and violence of its articles, wrote a private note to Brougham, asking the Chancellor to see him upon them. Brougham tore up the letter and threw the fragments on the floor. Some subordinate picked them up, pasted them together, and sent them to Barnes, the editor of the 'Times.'[1] Either from this cause or for some other reason the 'Times' at once commenced a series of attacks upon Brougham. It denied his honesty; it denounced his intrigues; it ridiculed his vanity; it even hinted that he was out of his mind.[2] The state of excitement into which Brougham habitually threw himself almost justified these insinuations, and calm diarists writing for posterity gravely recorded the opinion that he was undoubtedly mad.[3]

1834.

Rest is the best remedy for an overwrought brain. But men whose minds are wrung by work and excitement are the last persons willing to adopt the cure. The close of the session gave Brougham leisure to devote his restless energy to some new pursuit; and, in an evil hour for his fortunes, he decided on making a political tour in Scotland. He had some excuse for doing so. The city of Edinburgh desired to entertain Grey at a public dinner in September, and asked Brougham to come to the dinner. The common friends of both statesmen thought that Brougham would have done well to have declined the invitation. For twenty

His tour in Scotland.

[1] Campbell, *Chancellors*, vol. viii. p. 441. [2] *Ibid.*, p. 443.
[3] *Greville*, vol. iii. p. 120.

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years he had been Grey's most intimate friend, and his own unjustifiable suggestion had produced the catastrophe which had led to Grey's fall. It was naturally concluded that Brougham was the very last person whom Grey would have desired to meet at dinner. Brougham, however, was in no mood to regulate his conduct by the requirements of taste, and decided to be present at the banquet. Once in Scotland, what should prevent him from receiving the homage of the Scotch? Brougham had been born in Scotland, he had been educated in Scotland, the foundations of his reputation had been laid in Scotland, and his career had been watched with generous satisfaction by the Scotch. The influence of the 'Times' did not, at that time, penetrate to the Highlands; and the Scotchmen were, therefore, ignorant that one party in England was denouncing the Chancellor as a traitor, and that another party was calling him a madman. Brougham, certain of an enthusiastic reception, fancied that the enthusiasm of the Scotch would silence the 'Times.' He made a sort of royal progress through the land o' cakes, from 'Maiden Kirk to Johnny Groat's,' visiting the houses of great noblemen, addressing huge meetings of Scotch burgesses, praising the King, praising the Ministry, praising its accomplishments, and praising himself.

In one sense the progress was a success. Brougham was everywhere received with enthusiasm. The noblemen who feasted him, the ladies who 'romped' with him,[1] the people who cheered him, all contributed to increase the warmth of his reception. In another sense the progress was a disastrous failure. At Inverness the Chancellor was tempted to declare that the Government

[1] Campbell says, in *Lives of the Chancellors*, vol. viii. p. 450, that at one great house the romping was so familiar that the ladies revenged themselves on him by hiding the Great Seal in a trencher, and by making the Chancellor search for it blindfolded, guided by the swelling or falling notes of a piano.

had done 'too much rather than too little.' The storm of criticism which was excited by the remark induced him at Aberdeen and Dundee to advocate more reforms. Using Radical language at one place, employing Conservative arguments at another, he amazed and alarmed the friends who were not merely amused at his eccentricity, and almost justified the insinuation that he was out of his mind. The tour was appropriately concluded by a speech at the Grey banquet at Edinburgh, in which, while he had the good taste to praise Grey, he had the imprudence to offend Grey's son-in-law, Durham. Durham was known to have resented some of the more Conservative speeches which Brougham had made during his progress. Brougham, at Edinburgh, condemned the 'hasty spirits' who were in such a hurry to 'go on a voyage of discovery to unknown regions' that they 'would not tarry to look whether the compass' was on board. Durham retorted that he was one of those who saw with regret 'every hour which passes over the existence of recognised and unreformed abuses.' The difference, thus begun, soon extended. Durham attacked Brougham in a speech at Glasgow. Brougham attacked Durham in the pages of the 'Edinburgh.' The Radicals naturally rallied round the champion who favoured the broadest reforms; and Brougham had the mortification of finding that, while his conduct in the House of Lords had deprived him of the confidence of King, Whigs, and Tories, his speeches in Scotland had lost him the support of the remnant of his friends—the Radical Reformers.[1]

Brougham's extraordinary conduct was almost uni-

[1] The best short account of Brougham's progress is in *Lives of the Chancellors*, vol. viii. pp. 446–456. Cf. the newspapers of the day and *Ann. Reg.*, 1834, Chron., pp. 142–147. Those who care to follow the unsavoury details of a personal controversy will find Brougham's side of it in the *Edinburgh Review* for October 1834; and Durham's Glasgow speech in the *Times* of October 31, or copied from the *Times* in most of the London papers of November 1, 1834.

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versally denounced. Some of his critics were disposed to treat his vagaries with contempt; others were inclined to visit them with censure. O'Connell was among the wiser few included in the former category. 'I pay very little attention'—so he wrote to the people of Ireland—'to anything Lord Brougham says. He makes a greater number of foolish speeches than any other man of the present generation.'[1] The King was among the more numerous critics who were disposed to look on the matter more seriously. 'His Majesty is known'—so a contemporary critic could write[2]—'to entertain an aversion towards one individual (by courtesy called learned) of the Cabinet. Respecting him the King makes no scruple of speaking out as of an itinerant mountebank, who has not only disgraced the Cabinet of which he formed part but has dragged the Great Seal of England through the kennel, and degraded, by his unnumbered antics and meannesses, the highest offices of the law and State in England.' 'There could not,' said another critic, 'be a more revolting spectacle than for the highest law officer of the empire to be travelling about like a quack doctor through the provinces, puffing himself and his little nostrums, and committing and degrading the Government of which he had the honour to be a member. His Majesty could not but be indignant at such conduct.'[3] A young man, who had already established a reputation for sarcasm, wrote still more severely of 'the vagabond and overrated rebel—vomiting his infamous insolence in language mean as his own soul.'[4] Attacks of this character were made on the Chancellor, both in society and the press, throughout

He is attacked from all sides.

[1] *Lives of the Chancellors*, vol. viii. p. 453.

[2] The *Times* of November 17, 1834.

[3] *Courier*, November 15, 1834. Campbell (*Lives of the Chancellors*, vol. viii. p. 459) ascribes the passage to the *Times*. The passage was copied from the *Courier* into the *Times* of November 17.

[4] *Vindication of the English Constitution*, by Disraeli the Younger, p. 141.

the autumn of 1834. Newspaper criticism is frequently ephemeral; but the articles on Brougham in the autumn of 1834 had more than an ephemeral interest. They accounted for the decision at which the King almost immediately afterwards arrived, to dismiss the Ministry; they accounted for the exclusion from office, to which Brougham afterwards had to submit, throughout the remainder of his long career.

The position of the Cabinet.

The Whig Cabinet of the autumn of 1834 differed materially from the Whig Cabinet which had been formed in the autumn of 1830. Brougham still retained the Chancellorship; Althorp still held the post of Finance Minister; Palmerston still occupied the Foreign Office; and Lansdowne, Holland, and Charles Grant still filled the comparatively obscure positions to which they had been appointed four years before. With these exceptions the composition of the Ministry had been changed. Grey had been succeeded by Melbourne; Melbourne by Duncannon; Goderich by Stanley; Stanley by Spring Rice; Durham by Ripon; Ripon by Carlisle; Carlisle by Mulgrave; Graham by Auckland; Richmond by Conyngham. The Ministry, however, continued to enjoy the advantage of Althorp's presence in the House of Commons. There are few things more remarkable in the history of the present century than the position which Althorp maintained in Parliament. He commenced his ministerial career as leader of the unreformed House of Commons. He concluded his ministerial career by leading the reformed House of Commons. He had consequently to adapt himself to the humours of two assemblies, elected in different ways, from different sources, and swayed by different feelings; and in both assemblies he obtained an influence and an ascendency which contemporary observers thought had no parallel in British history. Yet the minister who obtained this success had none of the

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qualifications which fit men to lead their fellow-men. He had no eloquence, he had no genius. He had, perhaps, more knowledge of finance than of any other subject, yet he was an unsuccessful financier. His efficiency as a leader was not due to his capacity, but his honesty. He was trusted by the House of Commons and by the country as no minister had ever been trusted before, and as, perhaps, no minister will ever be trusted again. He is the best example in history of the truth of the old adage, that 'Honesty is the best policy.' It is hardly an exaggeration to say that his mere statement was always accepted as the whole truth, and that his contemporaries were never once at fault in the implicit reliance which they placed upon his word. Statesmen, tempted by the supposed requirements of place, are, unhappily, too frequently driven to resort to subterfuges and prevarications which they would scorn to use in private life. These men would do well to contrast the humiliating position, in which they are commonly placed by the exposure of their artifices, with the unexampled success which was uniformly achieved by Althorp's straightforward conduct.

Althorp becomes Lord Spencer.

Althorp's presence in the House of Commons alone preserved the Ministry from falling to pieces; and in November 1834 Althorp succeeded to the House of Lords. The Ministry had, at once, to select a leader in the House of Commons. There were only five men who were thought of for the position. Two of the five — Abercromby and Hobhouse — had so recently been appointed to the Cabinet that they could hardly be placed over their other colleagues. Of the other three Rice had an insecure seat at Cambridge;[1] Palmerston had devoted himself almost exclusively to foreign politics;[2] and a process of exhaustion, therefore, pointed to the selection of Russell. The Cabinet

[1] *Greville*, vol. iii. p. 141. [2] *Palmerston*, vol. ii. p. 209.

ultimately decided that Melbourne should go down to Brighton, where the King was staying, and submit Russell's name for approval. Melbourne reached Brighton on the 13th of November. The King told him that he thought Russell would 'make a wretched figure;'[1] that Abercromby and Rice were worse than Russell; and he expressed his alarm at the possible consequences of the enquiry which had been instituted into the Irish Church. On the following morning he placed in his minister's hand a letter of dismissal, announcing his intention to send for Wellington. Melbourne had nothing to do but drive back to London: oddly enough, carrying with him the summons to Wellington. He arrived in town late, drove to Downing Street, and saw Palmerston and Brougham. Brougham promised to keep the catastrophe a secret, and broke his promise immediately afterwards by communicating it to the 'Chronicle' and the 'Times.' He had to give some reason for his own dismissal and that of his colleagues, and he could hardly have been expected to lay the blame of it upon himself. He decided on ascribing it to a conspiracy between the Tories and the Queen.[2]

Dismissal of the Ministry.

Brougham could not have taken a worse step either for himself or for the sake of his colleagues. The King was deeply offended at the insinuation that an intrigue of the Queen's had led to the dismissal of his ministers. He came, at once, up to London; insisted on the immediate resignation of his advisers: declining even to wait for the formal formation of a new Cabinet before he parted with his old ministers. His conduct, in this respect, was,

[1] *Stockmar*, vol. i. p. 329.

[2] The *Chronicle* announced the fall of the Ministry in a leading article; the *Times* in Brougham's own words, which concluded with the memorable remark: 'The Queen has done it all.' I have turned over the files of all the leading newspapers of November 1834, but I cannot find that any other journal had the information. The *Times* contradicted the statement about the Queen in its next issue (November 17). Lord Russell says (*Recollections and Suggestions*, p. 131) that the *Chronicle* added the words about the Queen. His recollection was not accurate in this matter.

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to say the least, unusual. It emphasised the whole proceeding of which it was really only a very unimportant part. The true significance of the King's policy was to be found in the dismissal of his ministers, not in the method in which he dismissed them. Their dismissal was an assertion of personal will to which the British people were happily unaccustomed. George IV. had occasionally threatened to dismiss his ministers, but he had never ventured on carrying his threats into execution. George III. had dismissed the great Lord Chatham at the commencement of his reign, and Lord Grenville towards the close of it. But many things had happened in England since the fall of the Talents Ministry; and the policy which was possible in 1807 was no longer practicable in 1834. William IV. would hardly have ventured on imitating his father's example, if the successive resignations of some members of the Cabinet, and the conduct of others of them had not weakened the Government and brought it into disrepute. He saw that the machinery of administration was tumbling to pieces, and attempted to inflict with his own hands the finishing blow. The sequel will show that he miscalculated his power. His Ministry, if he had left it alone, would probably have fallen. His attempt to destroy it gave it new cohesion, and ensured the Whigs an additional six years of office.

CHAPTER XIV.

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Wellington at Brighton.

THE Duke of Wellington, passing the autumn at Strathfieldsaye, was going out hunting, on the morning of the 15th of November, when the summons from the King reached him, and commanded his attendance at Brighton. On the same day four years before, his own Administration had suffered a final defeat in the House of Commons. In the succeeding four years two Parliaments had been dissolved; two Prime Ministers had fallen; and the Duke himself, after undergoing the penalty of unpopularity, had recovered his natural position in the favour of the public. Four years before such an invitation as that which he had received from the King would have procured for him the insult, perhaps the attacks, of the populace. In 1834 the Whig papers angrily denounced the conduct of the King in dismissing the Whigs; but the people watched without emotion the transfer of power from Whigs to Tories.

Wellington reached the King late on the 15th of November. The King explained to him the circumstances which had led him to dismiss the Ministry. He appealed to Wellington to help him in his difficulty. He pointed his appeal by referring to the insulting manner in which the Ministerial crisis had been announced in the 'Times.'[1] He was, perhaps naturally, angry that the circumstance should have found its way into the papers at all; he was still more angry that the blame of it should have been laid upon his wife. The appeal was

[1] *Melbourne*, vol. ii. p. 44.

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made to one who had never deserted his sovereign in a difficulty. Wellington was, probably, well aware that the interests both of his friends and of his party should have imposed on him, for a short time more at any rate, a refusal of office. But he could not weigh his own interests or those of his friends against the solicitations of his King. He consented to return to power. The battle, however, he saw clearly enough, would have to be fought in the House of Commons. Common prudence required that the chief command should be entrusted to the man who could be personally present at the crisis of the struggle. For himself he was ready to do subaltern's service. The chief place in the Ministry was reserved for Peel.

Peel, however, thinking of anything but a crisis in the Ministry, was passing the autumn in Italy; and Italy in 1834 was practically as far from Brighton as New York is now. It was impossible for any messenger to reach Rome in less than eight days. It was very unlikely that Peel could return to London in less than three weeks; and a good deal might possibly happen in three weeks' time. Those persons, however, who ventured on such calculations misunderstood the character of their sovereign. The King, furious with Brougham, Melbourne, and the 'Times,' desired his ministers to resign their offices at once. He made Wellington First Lord of the Treasury; he entrusted him with the seals of the Home Office, and gave him the seals of the two other Secretaries of State. These arrangements virtually placed the patronage and the power of the State in the hands of one man.[1] They were severely repro-

Wellington sole Minister.

[1] Brougham held the Great Seal till November 21, when he sent it to the King in a bag, 'as a fishmonger might have sent a salmon for the King's dinner.' *Campbell's Lives of the Chancellors*, vol. viii. p. 460. It was entrusted on the same day to Lyndhurst.—*Greville*, vol. iii. p. 156. The seal of the Chancellor of the Exchequer was given temporarily to Denman, 'the practice'—so Wellington said—being 'to give the custody of the seal to the Lord Chief Justice of the King's Bench till a Chancellor of

bated at the time in the Whig press, and afterwards in Parliament, as 'an unconstitutional concentration of responsibility and power.'[1] The politicians who used this language had, however, hardly thought out its meaning. There was nothing unconstitutional in Wellington assuming four of the highest offices of the State at the instance of his king. Three of those offices had, in fact, been evolved out of one within his own lifetime; and one Secretary of State was and is technically competent to transact the business of all the others. The one thing which was unconstitutional in 1834, or which, in more correct language, was opposed to the practice of the Constitution, was the dismissal of the Whig Ministry. All that followed was only a corollary to that proceeding, and Whig statesmen would have done well to have confined their censure to the act, and to have abstained from criticising the arrangements which were consequent upon it. The general public, judging the matter more accurately, were merely amused at the spectacle which the Duke afforded them. They saw the man who had been the hero of their boyhood, who had again become the hero of their declining years, driving from office to office, signing letters, dictating minutes, and discharging without assistance the work which it had previously taken four busy ministers to perform. Instead of blaming Wellington for straining the Constitution, most people praised him for his industry, and commended the singleness of character which raised all his actions above suspicion. Wellington had again become the hero of the nation; and the nation was gratified at the new proof which its hero was giving of his amazing capacity for work.

the Exchequer should be appointed.'—*Denman*, vol. ii. p. 13. Brougham had the folly to apply for the post of Lord Chief Baron, on the pretext of saving 5,000*l.* a year; and his request was, of course, refused.—*Lives of the Chancellors*, vol. viii. p. 460. *Greville*, vol. iii. p. 157.

[1] Lord Morpeth, in *Hansard*, vol. xxvi. p. 169.

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In the meanwhile James Hudson, the Queen's secretary, was travelling night and day, through France and Italy searching for Peel. He found Peel at a ball at Prince Torlonia's, at Rome, on the evening of the 25th of November.[1] Peel, returning almost immediately, reached London on the morning of the 9th of December; and he received the seals of office as Chancellor of the Exchequer on the following day. His own reception of the seals was, however, an unimportant matter. Every politician felt that the stability of his Ministry materially depended on the attitude of Stanley; and Stanley civilly refused to have anything to do with the Government.[2] Stanley's refusal compelled Peel to construct his Ministry out of the old Tory party. Peel himself, confident in his superiority, and anxious to assert his authority, followed the example of his greatest predecessors, and took the offices of Prime Minister and Chancellor of the Exchequer. Lyndhurst was confirmed in the Chancellorship; Wellington was placed in the Foreign Office; Aberdeen became Colonial Secretary; Goulburn, Home Secretary; Hardinge, Chief Secretary for Ireland; Ellenborough, President of the Board of Control; and the other offices in the Cabinet were bestowed on gentlemen whose names it is not necessary to mention. The Cabinet of 1834, in fact, was a committee pledged to register the decisions of its chief. Three only of its members, Peel, Wellington, and Lyndhurst, spoke with the authority which enforces attention in the council-chamber. One alone, Peel himself, shaped the policy of the Administration.

Peel accepts office.

Peel's superiority over his colleagues was almost immediately visible. On the 17th of December, eight days after his arrival in England, he read to them a letter which he had addressed to his constituents, detailing the

He issues the Tamworth Manifesto

[1] *Peel's Memoirs*, vol. ii. p. 24. Torrens' *Melbourne*, vol. ii. p. 48.

[2] *Peel's Memoirs*, vol. ii. p, 36. *Greville*, vol. iii. p. 175.

policy which he intended his Government to pursue. Since the passing of the Reform Act he had represented Tamworth; the document, therefore, intended for a nation was nominally addressed to the electors of Tamworth, and has ever since been known in history as the Tamworth Manifesto. The mere fact that such a manifesto should have been issued at all formed a striking proof of the advances which had been made towards popular government. Peel avowed that he was addressing, through his constituents, 'that great and intelligent class of society' of which they were merely representatives; and that he was offering them 'that frank exposition of general principles and views which appears to be anxiously expected, and which it ought not to be the inclination, and cannot be the interest, of a minister of this country to withhold.'

The 'frank exposition' must have been bitter reading to some of the members of the new Cabinet. Peel seemed above all things anxious to prove that he had always been a reformer. He reminded the nation, with perfect justice, that he had actively promoted the reform of the currency; that he had consolidated and amended the Criminal Code; that he had reformed many branches of jurisprudence; and that, in his place in Parliament, he had accepted the Reform Bill as 'a final and irrevocable settlement of a great constitutional question.' He could appeal with confidence to the past to prove that he had never been 'the defender of abuses or the enemy of judicious reforms.' He would never oppose 'the correction of proved abuses and the redress of real grievances.' His predecessors had advised the Crown to issue a commission of enquiry into the constitution of municipal corporations. He had every disposition to give the commissioners' report a full and unprejudiced consideration. His predecessors had proposed, and he himself had supported, a measure for the abolition of Church rates, and the compensation of the

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Church out of the Consolidated Fund. His predecessors had proposed, and he himself had supported, the principle of a bill for relieving the conscientious scruples of Dissenters in the celebration of their marriages. His predecessors had supported a bill for the admission of Dissenters to the Universities. He himself was of opinion that 'if regulations, enforced by public authorities superintending the professions of law and medicine, and the studies connected with them, had the effect of conferring advantages of the nature of civil privileges on one class of the King's subjects, those regulations ought to undergo modification.' It was true that he had resisted a retrospective inquiry into the Pension List, but he had supported Althorp in confining future pensions to such persons only as have just claims to the royal beneficence on account either of their public services or of their scientific or literary eminence. It was true that he had refused to assent to the alienation of the property of the Irish Church. But he had always been in favour of its improved distribution. Nor were his views on Church reform confined to Ireland alone. He had always desired that the tithes of the English Church should be commuted on just principles. He was ready to inquire into the laws which governed its establishment. Reform in Church and State at home; the maintenance of peace abroad—these were the objects which Peel offered to the country in the Tamworth Manifesto.[1]

Parliament is dissolved.

The manifesto took the country by surprise. Moderate men of all parties approved its promises; and the confidence which was already felt in Peel was increased by his bold avowal that he took office as a Reformer. In the midst of this approval Parliament was dissolved. The expediency of its dissolution was doubted by some of the best authorities of the time. Russell himself thought that Peel aggravated his disadvantages

[1] For the Manifesto see *Peel's Memoirs*, vol. ii. p. 58.

by advising it. It would have been wiser to have awaited defeat, and to have appealed to the country from the Parliament which thwarted him in his attempt to govern.[1] Whether Russell's opinion were right or not, a dissolution could not, under any circumstances, have been long delayed. There were only 150 Tories in the first Reformed Parliament,[2] and Peel would, therefore, have been outvoted on any crucial question by a majority of three to one. The Tories, moreover, excited by the circumstances which had brought them back into power, seriously believed in the possibility of converting their minority into a majority, and of winning 150 seats from their opponents. These expectations were soon disappointed. London rejected all the Conservative candidates. Most of the other boroughs imitated the example of the City. The Whigs were naturally elated at their victory. Its effect was only slightly reduced by the successes which the Conservatives afterwards achieved in the counties. County after county selected Conservative representatives. Palmerston was defeated in Hampshire, and Francis Egerton unexpectedly found himself at the head of the poll in Southern Lancashire with a majority of a thousand. Even the Whigs, confident in their own numerical superiority, admitted the significance of Egerton's victory. They saw that they had a majority in the House of Commons; but even a majority in the House of Commons did not quite reconcile them to the verdict of South Lancashire.[3]

The burning of the Houses of Parliament.

The new Parliament was summoned to meet on the 19th of February. It met; but it did not meet in the historic building which had been the almost immemorial home of the British Legislature. On the 16th of October, 1834, the two Houses of Parliament had been burned to the ground. The fire originated in an act of official

[1] *Recollections and Suggestions*, p. 132. [2] *Palmerston*, vol. ii. p. 212.
[3] *Greville*, vol. iii. 198.

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folly. The Treasury required temporary accommodation for the Court of Bankruptcy. Room, it was thought, could be found in the tally-room of the Exchequer at Westminster, if only the old tallies, which were stowed there, were either removed or destroyed. The foolish subordinates charged with the duty thought that the best method of destroying them was to burn them in the stoves of the House of Lords. They commenced burning them on the morning of the 16th of October. The housekeeper, smelling burning wood as early as half-past ten, remonstrated with them for doing so. They paid no heed to her remonstrances. At half-past three she sent to tell them that the House of Lords was full of smoke. They told her that the burning would be over in another hour. Some gentlemen, who called to see the building, remarked upon the heat, and were told that the workmen were burning the tallies down stairs. Thus these wise workmen, acting on the orders of their wise employers, continued throughout the whole of an October day heaping up the fire which, from the first hour in which it was lit, threatened the Houses of Parliament.

The workmen, having finished their day's work, left the building. An hour afterwards, at half-past six in the evening, the flames burst forth near the entrances of the two Houses. In half an hour the whole building was on fire. The firemen, despairing of saving either House from the flames, concentrated their efforts on the preservation of Westminster Hall. In this they fortunately succeeded. The venerable Hall, which owed its foundation to the second of the Norman kings, was saved. In other ways the efforts of the firemen were almost useless. The fire only ceased to rage when there was nothing left for it to burn. The two Houses themselves, the greater portion of their libraries, some tapestry which had belonged to the Armada, many works of art

which it was difficult to replace, many records which it was impossible to replace, were all destroyed.[1]

No one could avoid regretting the loss of a building which was a link between the past and the present. But, at the same time, no one could avoid reflecting that the old Houses of Parliament were no more adapted for the requirements of a reformed Legislature than an unreformed House of Commons was capable of representing the British people. The chamber which had afforded adequate accommodation to the 513 members who represented England and Wales in the seventeenth century was unable to hold the 658 members who represented the United Kingdom in the nineteenth century. The deficiency of room had been visible enough before 1832 on a few great occasions. It forced itself almost daily on the attention of the public after the passage of the Reform Act. The members of the House of Commons, anxious to gratify the wishes of their constituents, were diligent in their attendance; and the old chamber, which had witnessed the contests between Bolingbroke and Walpole, between Pitt and Fox, between Canning and Brougham, could hardly afford standing room to the members who thronged to hear the onslaught of O'Connell on Stanley or cheer the retort of Stanley on O'Connell. In the sessions of 1833 and 1834 Hume, economist though he was, had drawn attention to the deficient accommodation which was thus afforded to the representatives of the people, and had urged the construction of a new House of Parliament. He had failed to enforce his views on the House of Commons.[2] But his arguments had acquired an irresistible force from the fire. The flames had destroyed the old House; and the construc-

[1] The history of the fire and of the enquiry into the causes of it is republished in the *Ann. Reg.*, 1834, Chron., p. 155.

[2] For the debate see *Hansard*, vol. xvi. p. 370; vol. xix. p. 59; and vol. xxv. p. 1029.

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tion of a new one had become a question, not of expediency, but of necessity.

A new House, however, could not rise in a moment like a fairy building out of the ruins of the old one; and accommodation had, almost immediately, to be found for the Legislature. Among the many extravagances of which George IV. had been guilty he had, in 1825, set about the erection of a new London palace on the site of old Buckingham House. The House of Commons had frequently remonstrated with the Ministry for not checking the extravagance of the worthless king, who was spending millions on palaces and thousands on cottages. Their remonstrances proved practically useless. Every successive finance minister promised to be more economical than his predecessor; and every successive finance minister found it impossible to check the wilful taste of his imperious master. No less than 70,000*l.* was squandered on the erection of a single arch which was intended to form the entrance of the building,[1] but which another generation thought out of place and removed to a distant part of Hyde Park. In 1834, when the Houses of Parliament were destroyed, Buckingham Palace was still unfinished. The King, whose simple tastes had no need for all the palaces which his prodigal brother had erected, voluntarily offered to place it at the disposal of the Legislature. His offer, at any rate, did something to compensate the nation for the follies of his predecessor. The ministers were, at first, disposed to accept it. They found, however, that the walls of the old House of Lords, which were still standing, could be covered in without much expense, and could be converted in this way into a temporary House of Commons, and that the old Painted Chamber, whose contents only had been destroyed, could be fitted up as the House of Lords. They de-

The old Houses temporarily repaired.

[1] *Hansard*, vol. xx. p. 537.

cided on effecting these alterations, instead of asking the Legislature to migrate to the other end of St. James's Park.[1] Temporary accommodation of this kind—so it was thought—would suffice till new buildings of a permanent character could be constructed.[2]

The election of a Speaker.

In the temporary premises thus arranged for the reception of the Legislature the new Parliament met for the first time on the 19th of February, 1835. The Commons were at once desired to withdraw to the place where they were to sit, and choose a Speaker.[3] They withdrew, and with their withdrawal the struggle began which continued, almost without intermission, till the final overthrow of Peel's Government. One man, indeed, had apparently irresistible claims for the Speakership. Manners Sutton had occupied the chair of the House of Commons for nearly eighteen years. He had been chosen in the first instance by an unreformed House; the choice had been confirmed on the last occasion by a reformed Parliament. He had been elected in 1817 at the instance of a Tory Ministry; his election had been repeated in 1833 on the suggestion of a Whig Government. He had, moreover, a distinct claim on the consideration of the Whigs. At their wish, and for their convenience, he had postponed the retirement which he had contemplated in 1832, and had consented to continue in office.[4] He might fairly

[1] *Melbourne*, vol. ii. p. 30.

[2] The destruction of the old Houses of Parliament was memorable for one great change. Up to that time the reporters in the House of Commons had always carried on their labours in the Strangers' Gallery. A separate gallery was provided for their use in the temporary House which was constructed in 1834. See Sir E. May's *Const. History*, vol. i. p. 431; and cf. *Greville*, vol. iii. p. 205. Sir E. May omits to mention that the Peers had preceded the Commons in this act of common sense. They provided accommodation for reporters from the 15th of October, 1831. *Hansard*, vol. viii. p. 812. It must not be supposed that this exceptional act of liberality on their Lordships' part in any way proved them to be in advance of the Commons. They were the first to provide accommodation for the press, not because they were more liberal than the Commons, but because they had more room.

[3] *Hansard*, vol. xxvi. p. 2.

[4] See *ante*, p. 139.

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have expected that the Whigs in Opposition would imitate the course which they had pursued in office, and again support his claims for the chair. Under ordinary circumstances they would, perhaps, have done so; in 1835 they were too angry to be either consistent or just. The more extreme members of the Whig party had, moreover, never tolerated the acquiescence of their leaders in Sutton's claims; and Sutton himself had too frequently justified their objections to him. So long as he was in the chair, indeed, every Radical in the House was ready to bear testimony to his efficiency and impartiality. But, when he left the chair, he too often forgot the spirit of the beautiful prayer which it was the daily duty of his chaplain to read during the session, and indulged in the animosity of partisan warfare. In the summer of 1834 he actually presided at a dinner of the Conservative party.[1] In the autumn of 1834 it was everywhere rumoured that he would accept high political office in Peel's Cabinet. The Whigs had the mortification of noticing that the Speaker of the House of Commons attended the meetings of the Privy Council at which the routine business of the Tory Government was conducted, and that he was in almost continual communication with Wellington. These stories, repeated from mouth to mouth, were naturally exaggerated in the course of their repetition, till, at last, it was everywhere believed that Sutton 'had busied himself in the subversion of the late Government; that he had assisted with others in the formation of the new Government; and that he had counselled and advised the dissolution of the late Parliament.'[2] Complaints of this character were almost daily made in the Whig newspapers; and the Whig leaders, encouraged by their

[1] *Spencer*, p. 474.

[2] This is Sutton's own summary of the charges against him. *Hansard*, vol. xxvi. p. 18; and see *ibid.* for the defence of his conduct; but cf. *Greville*, vol. iii. p. 148.

persistency, decided on attacking Peel by opposing Sutton's re-election to the chair. They chose for his opponent James Abercromby, the member for Edinburgh, a politician who had long been distinguished for the liberality of his views, who had for years regarded the Speakership as the first object of his ambition, and who had sat in the Melbourne Cabinet. The choice was almost unanimously approved by the Whigs: their approval made Sutton's defeat a matter of course. Abercromby was elected by 316 votes to 306;[1] and Sutton, hiding his mortification in a peerage, became Lord Canterbury.

Peel had the dexterity to conceal his annoyance at this damaging division. He congratulated Abercromby on his election, and busily continued his own preparations for the session. He had still a short interval for the purpose. The first few days which succeeded Abercromby's election were occupied by swearing in the members of the new Parliament. It was only on Tuesday, the 24th of February, that Parliament was formally opened by the King. The Speech was an unusually long one. It repeated the assurances and renewed the promises of the Tamworth Manifesto. Peel, however, was not content with embodying these promises in an address to his constituents, and in putting them into the mouth of the King. During the debate on the Address he emphatically renewed them: 'I make great offers, which should not lightly be rejected. I offer you the prospect of continued peace. . . . I offer you reduced estimates, improvements in civil jurisprudence, reform of ecclesiastical law, the settlement of the tithe question in Ireland, the commutation of tithe in England, the removal of any real abuse in the Church, the redress of those grievances of which the Dissenters have any just ground to complain. I offer you these specific

Peel's declaration of policy.

[1] *Hansard*, vol. xxvi. p. 56.

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measures, and I offer also to advance, soberly and cautiously, it is true, in the path of progressive improvement.'[1] These offers did not moderate the anxiety of the Whigs to defeat the Government. They insisted on proposing an amendment to the Address, distinctly lamenting that the progress of reforms had 'been interrupted and endangered by the unnecessary dissolution of a Parliament earnestly intent upon the vigorous prosecution of measures to which the wishes of the people were most anxiously and justly directed.'[2] When the debate began the Opposition confidently expected a majority of thirty to forty votes.[3] The amendment was carried ultimately by a majority of only seven.[4] The division was embarrassing enough to a Ministry which had already been defeated on the contest for the Speakership; but the boasts of the Opposition deprived their success of some of its significance. A majority of only seven votes seemed almost like a defeat to men who had confidently relied on a majority of thirty or even forty votes.

He is defeated on the Address.

The Ministry, however, had been defeated on the Speakership; it had been defeated on the Address; and its capacity to deal with any subject obviously depended on the forbearance of the Opposition. Forbearance was the last thing which the Opposition was thinking of. Its members were intent on finding some fresh occasion for inflicting a new defeat on the Government. One circumstance, however, caused them some little disquietude. Technically, the Crown had power to dissolve Parliament. Long usage, however, had limited the right of each minister to one dissolution only. It was tacitly

[1] *Hansard*, vol. xxvi. p. 241.

[2] These are the concluding words of the amendment, which was moved by Lord Morpeth. *Ibid.*, p. 172. A similar amendment was moved in the House of Lords by Melbourne (*ibid.*, p. 81), and rejected without a division. *Ibid.*, p. 151.

[3] *Greville*, vol. iii. p. 221.

[4] 309 votes to 302. *Hansard*, vol. xxvi. p. 410.

understood that a minister had the right to appeal once from Parliament to the country; but it was also tacitly understood that he should abide by the result of the appeal. During the debate on the Address rumours were freely circulated that Peel contemplated the violation of this virtual understanding. On the 2nd of March, Russell referred to these reports in the House of Commons. It was not easy to answer Russell. If Peel had declared his intention of advising a fresh dissolution he would virtually have defied the decision of the Commons, that the last dissolution was unnecessary. If he had announced his determination to abide by the result of the last appeal he would have released timid members, afraid of the expense of a contested election, from the one influence which made them refrain from voting against him. It was difficult, then, for Peel to reply to Russell. With much dexterity, however, he avoided the snare which had been set for him. He declared that he had neither 'directly nor indirectly sanctioned' the rumours to which Russell referred. 'It would be most unbecoming in me to fetter the discussions of the House of Commons by any, the slightest, menace of contingent dissolution; but it would be equally unbecoming in me, as a minister of the Crown, to consent to place in abeyance any prerogative of the Crown, or to debar myself by previous pledges from giving to the Crown that advice which future exigencies of the public service might require.'[1]

Russell had failed to extract any distinct pledge from Peel; and the Opposition had to find some fresh pretext for attacking the Ministry. It occurred to some of them that Peel's difficulties would be increased if the supplies were granted for only a limited period. With Russell's consent Hume gave notice of a motion for voting the supplies for three months only. His notice,

Hume proposes to limit the supplies.

[1] *Hansard*, vol. xxvi. p. 474.

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however, did his friends no good. Some of the Whigs thought that a limitation of the ordinary vote might damage the credit of the country; others of them, struck by the superiority over their own leaders which Peel was displaying, desired to afford the new Ministry a fair trial. Instead of bringing forward his motion, Hume was compelled to withdraw it;[1] and the Whig leaders were forced to wait for some other pretext for seizing office. A fresh opportunity for damaging the Ministry occurred, however, immediately. Ever since Lord Heytesbury's retirement, in 1832, the embassy at St. Petersburg, one of the richest prizes in the diplomatic service, had been vacant.[2] Wellington, on receiving the seals of the Foreign Office, decided on sending a new ambassador to Russia. Towards the end of December it was reported that he had nominated Lord Londonderry to the post.[3] The appointment was thought almost incredible. The 'Times,' on the 2nd of January, declared it an 'absurd report' and 'a sorry joke.' More than two months afterwards Wellington admitted that 'a noble lord' had been appointed to the post, and that he would go to St. Petersburg whenever the weather permitted him to travel.[4] Three days later, on the 13th of March, ministers formally stated that the appointment had been made.[5]

Lord Londonderry's appointment to St. Petersburg.

The bare announcement of the appointment rekindled the passionate opposition to the Tory Ministry. The selection was, in fact, in many respects objectionable: Londonderry was the representative of those old-fashioned Tories who still clung to the domestic policy which had made his brother an object of detestation at home, and to the foreign policy which had made this country the ally of sovereigns and not of peoples abroad. In the

[1] *Recollections and Suggestions*, p. 134. *Hansard*, vol. xxvi. p. 885. *Greville*, vol. iii. p. 224.

[2] For the circumstances connected with this vacancy see *ante*, p. 165, note.

[3] *Greville*, vol. iii. p. 183.

[4] *Times*, 2nd of January, 1835; and *Hansard*, vol. xxvi. p. 734.

[5] *Ibid.*, p. 950.

past he had served with distinction in the Peninsula; he had been present with the allied armies during the campaign of 1813; and his energetic counsels, on more than one occasion, had been of undoubted service to the cause of the Allies. Raised to the peerage, and nominated to the embassy at Vienna, he had received an adequate reward; and taxpayers could fairly say that Londonderry owed as much to the country as the country owed to Londonderry. Peers, however, educated in the school of Castlereagh were apt to attach an exaggerated value to their own claims, and to imagine that their services should be requited on the principle on which the buried talent was awarded to him who had ten talents. Londonderry complained that his diplomatic services had not been rewarded with a pension,[1] and that he had received no office in 1828. The world, in his judgment, was out of joint; and the surest method of readjusting affairs lay in his own employment in some dignified and well-paid post. Even a Tory Ministry, however, saw that it was impossible to place the brother of Castlereagh in any prominent situation at home. Wellington suggested and Peel agreed that Londonderry might fill the vacant mission at St. Petersburg. Peel and Wellington both, probably, thought that they would provide in this way for the embarrassing claims of their self-confident supporter.

Unfortunately, for Londonderry, however, he had taken part in a debate on Poland, and had characterised the Poles as the Emperor's 'rebellious subjects.'[2] The

[1] This application was endorsed by Lord Liverpool, in pencil, 'This is too bad!' Liverpool's opinion was subsequently justified by Lord Dudley, who stated in the House of Lords that he believed the Noble Marquis had been in the public service about ten years, and that for his services in that period he had received of the public money 160,000*l.* *Hansard*, New Series, vol. xvii. p. 1405.

[2] *Hansard*, vol. xxvi. p. 946. Alison, (*Lives of Lord Castlereagh and Sir C. Stewart*, vol. iii. p. 264), who makes Londonderry a hero, defends his expression by reminding his readers that, twenty-five years afterwards, the Sepoys were always spoken of as rebels in this country. The Se-

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cause of Poland had excited the enthusiasm and won the sympathy of English Liberals; and the whole Liberal party, therefore, was indignant at the notion that Britain should be represented at St. Petersburg by a diplomatist who had dared to justify the brutal conduct of the Russian Government. 'The noble Marquis,' said Hume in the House of Commons, 'had invariably been against all amelioration of the political circumstances of the people. He had opposed everything connected with human freedom—even the humane design of others to mitigate the sufferings of the afflicted Poles. What, then, could these persecuted people, what could Europe expect at the hands of the present Government, when they saw it sending out such a man to represent it at the Court of Russia?' 'The noble Marquis,' said Stanley immediately afterwards, 'was the last person whom England ought to have sent to Russia to represent there the feelings of the people of this country.'[1] Objections of the same character were raised by speaker after speaker; and Peel made a very imperfect and inadequate defence of the selection to which he had unluckily assented. It was everywhere felt that the appointment must be abandoned. Londonderry himself, amazed at the storm which his unpopularity had excited, voluntarily withdrew from the post which had been offered to him. His withdrawal only partially relieved the Tory Ministry from the embarrassments which his nomination had occasioned. Everyone was, in fact, angry. The Liberals were angry at the appointment; the Tories were angry at its abandonment; the King

He is forced to resign.

poys, Alison forgot, were not only British subjects, but British soldiers, in receipt of British pay. The Poles were never subjects of the Russian Emperor. They were the subjects of the King of Poland, and it was Nicholas' or Constantine's brutal disregard of their charter which justified the Polish war of 1831. Peel, at the time, defended Londonderry by declaring that he could not find the words in *Hansard*. *Hansard*, vol. xxvi. p. 961. There does not appear, however, to be any doubt that they were actually spoken.

[1] *Hansard*, vol. xxvi. pp. 951, 953.

was angry at the interference of the House of Commons and the effect which would be produced by it abroad. It would everywhere appear—as was said at the time—that 'the King appointed Londonderry ambassador to Russia, and the House of Commons cancelled the appointment.'[1]

Peel and his colleagues explain their measures.

Discredited by these proceedings, Peel felt it necessary to make a great effort to retrieve his position. He had rested his appeal for confidence on the efficiency of his measures, and it was time therefore, to produce the measures themselves. Accordingly, on the 12th of March, Pollock, the Attorney-General, introduced a bill for the constitution of a consolidated Ecclesiastical Court.[2] On the 17th Peel himself explained the manner in which he proposed to remedy one of the chief grievances of the Dissenters by providing for their marriages.[3] On the 20th Hardinge moved some resolutions to form the basis of an Irish Tithe bill;[4] and, on the 24th, Peel communicated to the House his proposal for the commutation of tithes in England.[5] Four measures of greater importance, or devised in a more liberal spirit, had, perhaps, never previously been introduced by any Ministry in a single fortnight. They would have justified the keenest Liberal in giving the Administration the fair trial which Peel claimed for it. But the Liberals, angry at the manner in which they had been driven from power, were anxious to avenge the King's treatment of themselves by humiliating Peel. Whigs and Radicals met together to devise a common course of action; and even O'Connell tacitly consented to support the policy of the Whig leaders. 'A compact alliance'[6] was thus formed between all sections of the Liberals; and, as Lord Lichfield gave his friends the use of his

The Lichfield House Compact.

[1] *Greville*, vol. iii. p. 229. Cf. *ibid.*, p. 231.
[2] *Hansard*, vol. xxvi. p. 908.
[3] *Ibid.*, p. 1074.
[4] *Ibid.*, vol. xxvii. p. 13.
[5] *Ibid.*, p. 170.
[6] *Melbourne*, vol. ii. p. 101.

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house, the alliance became ultimately known as the Lichfield House Compact.[1]

An Opposition, which really desired to mark its sense of the King's conduct, had only one course before it. It ought to have seized the first opportunity for proposing a vote of want of confidence in the minister. Such a vote would have taught the Crown, once and for ever, that the right of making and unmaking Ministries, which lay technically with the King, was in practice confided to the representatives of the people. The Whig leaders, however, imagined that they could disturb Peel more easily by attacking his measures than by opposing his existence as a minister. In consequence, instead of proposing a vote of want of confidence in his Ministry, they decided on outbidding him. Much as Peel had done to conciliate the Dissenters, it was possible for the Liberals to offer to do more. Honestly as Peel had endeavoured to deal with the question of Irish tithes, it was open to the Liberals to refuse his settlement as inadequate. Instead of raising the constitutional question, which Peel's existence in office suggested, the Liberals set themselves to trump his best cards. They avoided the issue which they ought to have raised, and they raised the issues which they ought to have avoided.

The Dissenters.

In a tactical sense, indeed, there was an obvious advantage in combining the Liberal party on proposals intended to relieve the Dissenters of England and the Roman Catholics of Ireland. It was true that it was not easy to give the Dissenters all the relief which they were demanding. They complained of unreasonable difficulties in the solemnisation of their marriages and in the burial of their dead; of their liability to Church rates; of their exclusion from the Universities; and

[1] The meetings at Lichfield House were on the 12th and 23rd of March. *Greville*, vol. iii. pp. 224, 233.

they demanded the severance of the Church from the State, as the only effectual remedy for their grievances.[1] No minister could concede all these demands. Peel endeavoured to deal with one of them in his Dissenters' Marriage Bill. But the Liberals considered that they might both embarrass the Ministry and conciliate the Nonconformists by conceding at the same time some educational privileges to Dissenters. The Liberals in 1835 were not all desirous of opening the great Universities of Oxford and Cambridge to the Dissenting community.[2] But they thought that the Nonconformists might be given the advantages of a University education by conferring a charter on the modern University of London, and by empowering it to grant degrees. A motion to this effect had been made in 1833 by Tooke, the member for Truro.[3] The motion, withdrawn for the time, had been renewed in 1834, when the Common Council of London had also addressed the King in its favour.[4] The application excited a good deal of opposition. Oxford and Cambridge regarded 'the Gower Street Company,'[5] as the London University was nicknamed, with a good deal of contempt; and they, as well as the medical bodies, petitioned against the proposal. The King was advised to refer all these petitions to the Privy Council.

The London University.

The Privy Council did not succeed in advancing the matter. The councillors listened for a couple of days to the arguments of counsel, but they decided nothing.[6] Under these circumstances Tooke, in 1835, renewed his proposal, and moved an address to the Crown praying that the University might receive a charter of incor-

[1] The Dissenters' case was represented over and over again in the session of 1834. See, for instance, *Hansard*, vol. xxii. p. 1; and vol. xxiii. pp. 610, 843, 1181.

[2] A bill for this purpose had been thrown out in 1834, in the House of Lords, by 187 votes to 85. *Hansard*, vol. xxv. p. 886.

[3] *Ibid.*, vol. xix. p. 129.

[4] *Ann. Reg.*, 1834, Chron., p. 52.

[5] *Ibid.*, p. 80.

[6] *Greville*, pp. 80, 81.

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poration.[1] Peel urged, with much good sense, that the matter was not ripe for consideration. It had been referred by the late Government to a committee of the Privy Council. The committee had not reported. The Tories were not responsible for the delay; and the proper and logical course, therefore, for the House to take was to address the Crown, not for a charter of incorporation, but for a statement of the proceedings of the Privy Council. Logical arguments had little weight with a House of Commons resolved, at every hazard, to embarrass the Ministry. Peel's advice was rejected, and Tooke's address adopted by a large majority.[2]

This defeat was the most embarrassing which Peel had yet sustained. It showed him plainly that he had no mercy to expect from the Opposition, and that he could not even rely on the attendance of his own supporters. It was becoming impossible for him to conduct the government; and his resignation was confidently expected. Yet Peel did not resign. He decided on encountering one more defeat before he abandoned the struggle. It has been already stated that Hardinge, on the 20th of March, had introduced an Irish Tithe Bill. Hardinge avoided the complicated arrangements with which Littleton had puzzled Parliament the year before. He proposed, like all his predecessors, to convert the tithe into a rent-charge; to fix the rent-charge at 75 per cent. of the tithe; to facilitate

The Irish Tithe Bill.

[1] *Hansard*, vol. xxvii. p. 279.

[2] The address was carried by 246 votes to 136. *Ibid.*, p. 301. The King's answer to the address is in *ibid.*, p. 540. The King promised to 'call upon the Privy Council without delay for a report of the proceedings adopted in this matter, in order that his Majesy may be enabled to judge what may be the best method of carrying into effect the wishes of his faithful Commons,' &c. The committee of the Privy Council met again at the end of May, and, after two days' debate, requested the King to dispense with their advice. *Greville*, vol. iii. p. 262. It is clear, from *Greville*, that the committee was opposed to the charter, which was not ultimately granted till November 1836. Cf. Martineau's *Thirty Years' Peace*, vol. ii. p. 218.

its redemption by the landlord, the purchase-money being invested in land.[1] Hardinge's plan, like Littleton's, was a bribe to the landlords of Ireland to induce them to consent to charge their estate for the benefit of the Church. Hardinge, indeed, assured the clergy a rather smaller income than they would have received from Littleton. The clergy, therefore, had gained nothing by the rejection of the compromise of the previous year. The scheme was a reproduction of that compromise. All that was good in it was taken from the proposals of the Whig Ministry; and Littleton might say, with Virgil:—

Hos ego versiculos feci tulit alter honores!

The conduct of the poetaster, indeed, whom Virgil denounced was less culpable than that of Hardinge. The Roman had only meanly claimed the work of another as his own: Hardinge had adopted the measures which he had resisted in Opposition. 'The Government,' said Barron, an Irish member, 'had abandoned every principle they had ever professed. They had been guilty of a dereliction of every duty. There was only one possible way of accounting for their having thus abandoned every principle, and that was their base desire of holding office.'[2]

The attack which was thus made was warmly resented by Hardinge; and the Speaker was ultimately compelled to interfere. Warmth and abuse did not, however, advance the cause of the Opposition. The Liberals could not afford to throw out the Tithe Bill, but they could decline to accept a bill which did not appropriate to other than ecclesiastical purposes the surplus revenues of the Irish Church. There was, indeed, one objection to this course. Grey's Government had referred the consideration of the temporalities of the Irish Church to a commis-

The appropriation clause.

[1] *Hansard*, vol. xxvii. p. 18.

[2] *Ibid.*, p. 118.

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sion: just as it had referred the application of the London University to a committee of the Privy Council. The commission had not reported, just as the Privy Council had not reported; and Tory members could fairly argue that it was illogical to decide on appropriating the surplus revenues of a Church until it was authoritatively determined whether there were any surplus revenues to appropriate. The Liberals, however, knew that every member of their party was ready to deprive the Church of Ireland of some portion of its temporalities: they knew that no Tory would consent to anything of the kind. A motion, therefore, on the Irish Church afforded the readiest means for combining their own friends and for decisively defeating their opponents.

Russell himself conducted the attack which it was decided to make. On Monday, the 30th of March, he asked the House to resolve itself 'into a committee of the whole House to consider the temporalities of the Church of Ireland.' He declared his intention of proposing in committee that any surplus which may remain, after fully providing for the spiritual instruction of the members of the Established Church in Ireland, ought to be applied locally to the general education of all classes of Christians.[1] The debate, thus commenced, extended over four nights. The Opposition endeavoured to show that the revenues of the Irish Church amounted to at least 800,000*l.* a year: the Ministry declared that they could not fairly be computed at more than 450,000*l.*[2] A difference of this character proved the necessity for waiting till the Irish Church Commission had reported. It was obvious that the question admitted of no satisfactory solution till the property of the Church could be stated with precision. The Liberals, however, had resolved on winning the victory which

[1] *Hansard*, vol. xxvii. pp. 361, 384.
[2] Cf. *ibid.*, pp. 368, 578 with p. 587.

their numbers enabled them to secure. On the morning of the 3rd of April they carried Russell's motion by 322 votes to 289.[1] The fate of the Government had unquestionably been sealed by the division.

Peel is defeated,

Yet Peel did not resign. The House had committed itself to nothing but the appointment of a committee on the Irish Church; and this decision did not necessitate the retirement of the Ministry. A few days after the preliminary motion had been carried Russell proposed the resolution, of which he had already given notice, for the local application of the surplus revenues of the Church to the general education of the Irish. The debate was protracted over the evening, and adjourned till the following Monday. The committee then adopted Russell's proposition by 262 votes to 237.[2] Yet still Peel did not resign. The motion did not pledge the House to any definite action. A report from the Irish Church Commissioners that the Church had no surplus revenues would deprive it of all significance; and it was necessary, therefore, for the Opposition to win one more victory before Peel abandoned the struggle. On the 7th of April, Russell proposed that 'no measure upon the subject of tithes in Ireland can lead to a satisfactory and final adjustment which does not embody the principle' which his previous resolutions had laid down. The House adopted the new motion by 285 votes to 258;[3] and, on the following morning, Peel resigned his office into the King's hands.

and resigns.

The experiment of a Conservative Ministry had failed. Peel had only held power for four months. He had only been able to protract the struggle in Parliament for six weeks. In those six weeks he had been defeated on the Speakership; he had been defeated on the Address; he had been defeated on the London University; he had been defeated three times on the Irish Church;

[1] *Hansard*, vol. xxvii. p. 770. [2] *Ibid.*, p. 861. [3] *Ibid.*, p. 969.

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yet every impartial observer admitted that the credit was with him, and not with those who had beaten him. He had proved himself, as a foreign statesman put it, 'the most liberal of Conservatives, the most conservative of Liberals, and the most capable man of all in both parties.'[1] He forced one of those who voted against him to record that 'never did a statesman enter office more triumphantly than Sir Robert Peel left it.'[2] The opinions which were thus expressed by Guizot and Bulwer were shared by almost the whole Liberal party. The Tories alone refrained from praising the great statesman who had displayed such signal capacity in their service. Tory writers had the folly to declare that he had prepared the final ruin of the Church.[3] Tory politicians had the folly to complain that he was prematurely abandoning a struggle which no other man alive could have maintained so long.[4] Miserable complaints of this character had no weight with the majority of observers. They recognised his capacity, they admired his liberality, and they boldly foretold his return to power.

The annoyance of William IV.

There was, however, one man who derived little comfort from these predictions. The King had contemptuously dismissed the Melbourne Ministry in the autumn of 1834; and he had the mortification to find that he was compelled to have recourse to his old servants in the spring of 1835. He could hardly avoid perceiving, moreover, that his own conduct in November had produced the crisis of April. 'If,' said a keen observer, 'you are sure a man is dying of consumption, why should you strangle him?'[5] The Melbourne Administration was dying of consumption in the autumn. If it had been left to die alone, no efforts could by any

[1] Guizot's *Life of Peel*, p. 141.
[2] Bulwer's *Peel*, p. 108.
[3] *Hansard*, vol. xxvii. p. 600.
[4] *Greville*, vol. iii. p. 245.
[5] *Life of Archbishop Whately*, vol. i. p. 243.

possibility have resuscitated it. The King chose to strangle it. His hasty choice afforded the Liberal party a fresh reason for cohesion, the Liberal Ministry a new term of office; and the last attempt made by a King of England to play the autocrat resulted almost immediately in the humiliating submission of the Crown.

Melbourne forms a Ministry.

William, indeed, making one effort to avoid a distasteful necessity, invited Grey to form a Ministry. Grey refused; and William, having no other alternative before him, entrusted Melbourne with the task of forming a Government. The task was completed without any great difficulty. Melbourne himself became Prime Minister; Spring Rice, whose management of figures deluded people into thinking him a financier, Chancellor of the Exchequer; Russell, who was married to Lady Ribblesdale amidst the turmoil of the change, Home Secretary and the leader of the House of Commons; Palmerston and Charles Grant, who was made Lord Glenelg, respectively accepted the seals of the Foreign and Colonial Departments. There were three persons, however, for whom it was more difficult to provide.

O'Connell, Brougham, and Littleton.

Melbourne could not venture on restoring Littleton to the Irish office and Brougham to the Woolsack. He could not overlook the claims of O'Connell to reward. Without O'Connell the Lichfield House Compact would never have been concluded. How was it possible to ignore the claims of the great agitator whose assistance had placed the Whigs in office, and whose opposition could at any moment drive them from power?

One solution of the difficulty was, indeed, possible. O'Connell was the greatest of living Irishmen: he was the greatest of living orators. Such a man as this might have been admitted into the Ministry and rewarded with the position which his abilities deserved. The narrow views which animated the King, and which were shared by many of the Whigs, unfortunately, ren-

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dered such an arrangement impossible; and O'Connell, finding his exclusion inevitable, voluntarily agreed to waive his own claims for the sake of the Liberal party.[1] The King entertained as strong objections to Brougham as he felt towards O'Connell; and Brougham, discreetly reminded that 'si vous avez un roi, il faut un peu le ménager,' was almost persuaded to regard his temporary exclusion from office as a tribute to his capacity, and was induced to consent to the Great Seal being placed in commission.[2] Littleton's claims could not be compared with those of either Brougham or O'Connell. But it was difficult for Melbourne either to neglect an old colleague or to confer any place on the man whose conduct had broken up the Grey Ministry. Fortunately for Littleton the British Constitution has provided a convenient haven in which distinguished lawyers, successful commanders, superannuated statesmen, wealthy country gentlemen, and disappointed politicians are all accustomed to find both dignity and repose. Littleton become Lord Hatherton, and ceased to inflict the disadvantages of his assistance on his political friends.

These arrangements necessitated a good many fresh elections. Unluckily for the new Ministry, Russell, Grant, and Littleton represented county constituencies, and county electors had little love for Liberal measures. Chisholm, a Conservative, replaced Charles Grant in Inverness-shire; Sir H. Goodricke, a Conservative, succeeded Littleton in Staffordshire; and the electors of Devon chose a Conservative to succeed Russell, the new Home Secretary, and the leader of the House of Commons. Russell's defeat was the more serious, because, at the general election in January, Palmerston

Conservative successes.

[1] *Melbourne*, vol. ii. p. 112.

[2] *Chancellors*, vol. viii. p. 467. The commissioners were Pepys, afterwards Lord Cottenham, Vice-Chancellor Shadwell, and Mr. Justice Bosanquet.

had lost his seat for Hampshire. The Whig Ministry was compelled, in consequence, to meet Parliament without the assistance of either Palmerston or Russell. Arrangements were, of course, soon made for providing both of them with seats. Palmerston took refuge in Tiverton, a borough which he continued to represent for more than thirty years. A vacancy was made for Russell in the representation of Stroud. CHAP. XIV. 1835.

Three defeats in three important counties augured ill for the popularity of the new Administration. The electors of Staffordshire, Devonshire, and Inverness-shire had displayed little sympathy with the Whig majority in the House of Commons. In the House of Lords the Whigs did not expect either popularity or consideration. There it was almost universally believed that the Tories had been overthrown by a corrupt combination of the Whigs with O'Connell. The great Irish agitator had always been regarded with horror by the Lords. Their indignation had been recently inflamed by a proposal which he had made to convert the Upper House into an elective assembly. The Whigs, it was argued, had allied themselves with an agitator pledged to repeal the Union, pledged to lay his unholy hands on the constitution of the House of Lords. On the 18th of April a Tory peer, Lord Alvanley, broke the silence which he usually preserved by asking Melbourne to explain the terms by which he had procured the assistance of O'Connell. Melbourne easily disposed of the question. 'I know not,' he answered, 'whether I shall have the aid of Mr. O'Connell. I have certainly taken no means to secure it, and most particularly I have made no terms with Mr. O'Connell.'[1] The subject should have dropped with this answer. It was, unluckily, revived on the fol- Lord Alvanley and O'Connell.

[1] *Hansard*, vol. xxvii. p. 1002. Cf. *Melbourne*, vol. ii. pp. 117–121. It seems clear that negotiations took place with O'Connell, but that Lord Melbourne was no party to them.

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lowing Monday in the House of Commons by Colonel Sibthorp, the member for Lincoln, a gentleman who had already gained a reputation for setting out unpleasant facts in an inoffensive manner. Sibthorp declared that 'he would not accuse any man of telling an untruth;' but he for one never would believe that 'O'Connell had not been a prompter and adviser in the things that had taken place.' O'Connell did not contradict the imputation, but he contrasted the 'good temper and politeness' of Sibthorp with 'the different style' which had been employed by 'a bloated buffoon' elsewhere.[1] The 'bloated buffoon' naturally resented the offensive epithet, and sent a friend to O'Connell with a demand for an apology or satisfaction. An apology O'Connell would not offer: satisfaction, in the sense which the word then bore, he had resolved for twenty years never to afford to anyone. His son Morgan, however, was too true an Irishman to tolerate with equal patience the position in which his father had placed himself. He saw no harm in calling a man a bloated buffoon; but it was only proper to exchange shots with him afterwards. As his father would not fight, he was ready to take his father's place. The proposition was gravely referred to a private meeting of Alvanley's friends; and it was ultimately decided by Alvanley's own vote that the duel should take place. Three shots were exchanged, but no injury was done to either of the duellists.[2] The affair, however, reported in all the newspapers, produced a considerable sensation; and the dying practice of duelling fell into disrepute in consequence of it. The most conservative apologist could not pretend that a son should be required to risk his life because his father had applied an offensive epithet to a stranger.[3]

[1] *Hansard*, vol. xxvii. p. 1000.
[2] *Greville*, vol. iii. p. 257.
[3] The epithet seems to have stuck to Lord Alvanley. See, for an instance of this, *Ann. Reg.*, 1835, Chron., p. 73.

The duel was gradually forgotten, but the circumstances which had been indirectly responsible for it continued. The Irish themselves thought that an understanding had been arrived at between the Government and O'Connell. They decided, in consequence, on giving the new Lord Lieutenant an enthusiastic welcome. Lord Mulgrave, whom Melbourne had selected for the Viceroyalty, had done good service as Governor of Jamaica. He was usually supposed to have negotiated the alliance[1] which, it was almost universally believed, had been concluded with O'Connell; and the Irish received him with the enthusiasm with which they had welcomed George IV. fourteen years before. The new Viceroy was conducted to the Castle by a procession, in which banners bearing inscriptions usual enough in Ireland were freely displayed. These inscriptions pledged the populace to the repeal of the Union and to the extinction of tithes. It was naturally thought in England that the new Viceroy should have declined the honour of an escort which chose to assume a partisan character. One of his own friends, indeed, declared that 'he would rather have been torn in pieces by the Dublin mob than have entered the city in procession with them.' Wellesley hastily resigned the office of Lord Chamberlain; and, though he declared himself ignorant of all the circumstances, it was generally believed that his retirement was due to his dislike of a policy which had culminated in Mulgrave's entry into Dublin.[2]

Lord Mulgrave's reception in Dublin.

Mulgrave's conduct, of course, irritated all the Protestants in Ireland. They naturally considered themselves insulted by a demonstration which pledged everyone who took part in it to a course of policy offensive to themselves. The best chance of conciliating the Irish lay in the conclusion of some judicious com-

[1] *Melbourne*, vol. ii. p. 120.
[2] *Hansard*, vol. xxviii. pp. 8, 10. *Greville*, vol. iii. p. 258.

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promise; and compromise had been made more difficult by the Dublin procession. Some time, however, elapsed before the new Ministry was in a position to bring forward its Irish measures. It was not till the 26th of June that Lord Morpeth, the eldest son of Lord Carlisle, who had been made Chief Secretary for Ireland, introduced the Tithe Bill. The past experience of his predecessors afforded him some assistance in preparing it. In 1823 Goulburn had obtained the voluntary composition of tithes. In 1832 Stanley had made the composition compulsory. In 1834 Littleton had endeavoured to convert the composition, first into a land tax, then into a rent-charge. In 1835 Hardinge, adopting Littleton's principle, had also proposed to convert the tithe into a rent-charge. In principle, then, there was an agreement among all parties that the burden of the tithe should be transferred from the occupier to the owner. All of them, moreover, proposed that the rent-charge should be much smaller than the tithe. In Littleton's bill, as it was originally framed, the land tax was to amount to 80 per cent of the tithe; in his bill, as it was sent to the Lords, the rent-charge amounted only to 60 per cent.; but the loss to the tithe-owner was partly compensated out of the Perpetuity Purchase Fund. Hardinge, in his turn, offered 75*l.* of rent-charge for every 100*l.* of tithe. All parties, therefore, were agreed that the tithe-owner should give up some portion of his income, in return for the better security which he would obtain by drawing his income from the owner of the soil.

The Tithe Bill of 1835.

A Whig Government which was supported by O'Connell could not do less than Hardinge had proposed to do. Morpeth proposed to do a little more. He decided on commuting every 100*l.* of tithe for 70*l.* of rent-charge; on charging on the tithe-owner the cost of collection, which was estimated at 6*d.* in the pound;

and on thus reducing the amount paid by the landowner, and received by the tithe-owner, to 68*l.* 5*s.* As, however, so considerable a reduction of income would be a serious matter to many existing incumbents, he proposed to allow all existing clerical tithe-owners an additional 5*l.* per cent. out of the Perpetuity Purchase Fund. The landowner, under Littleton's scheme, was saddled with 60 per cent.; under Hardinge's scheme with 75 per cent.; under Morpeth's scheme with 68¼ per cent. of rent-charge for every 100*l.* of tithe previously paid by his tenantry. The existing incumbents received, under Littleton's scheme, 77½ per cent.; under Hardinge's scheme, 75 per cent.; under Morpeth's scheme, 73¼ per cent of their tithe.[1]

These figures ought to have satisfied the best friends of the Irish Church that they had nothing to gain from delaying a settlement of the question. Hardinge had given the clergy less than Littleton; and Morpeth offered them less than Hardinge. In one respect, however, the tithe-owners obtained a substantial concession. In 1833 Parliament had granted a sum of 1,000,000*l.* to be advanced to the distressed clergy of Ireland on the security of the arrears which the tithe-owners had been unable to collect. Of this 1,000,000*l.*, 637,000*l.* had been appropriated. Throughout 1834 Littleton had deluded himself with the notion that the advances would be gradually repaid. In 1835 both Hardinge and Morpeth decided on abandoning them.[2] The tithe-owners were, in consequence, offered the arrears as a free gift.

If the scheme, which has been thus described, had stood alone every party in the State would, probably, have co-operated in carrying it. It was impossible, however, for the Melbourne Administration to offer such a plan by itself. The men who had voted in April that

[1] *Hansard*, vol. xxviii. pp. 1319, 1325.
[2] *Ibid.*, vol. xxvii. p. 21; and vol. xxviii. p. 1324.

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The appropriation clauses of the bill.

no Tithe Bill would be satisfactory which did not dispose of the surplus revenues of the Church could not introduce a bill in June without some provisions for this purpose. The provisions which Morpeth suggested were moderate enough. He proposed to suspend the presentation to any benefice which did not contain fifty members of the Church of England.[1] But provision was, everywhere, to be made for the religious accommodation of scattered Churchmen. Even in those parishes where there was no church, glebe house, or Churchman the minister of an adjoining parish was to receive an additional 5*l.* a year for the cure of the souls which did not exist. Where only one Churchman could be found in the parish, provision was to be made for his spiritual necessities either by the appointment of a curate, at a salary of not more than 75*l.* a year, or by an addition of from 10*l.* to 50*l.* a year to the stipend of a neighbouring clergyman.[2] Out of 2,405 parishes in Ireland there were no fewer than 151 in which there were no Church people; there were no fewer than 860 in which there were not fifty Church people. The surplus stipends attached to these benefices would, it was estimated, produce 58,000*l.* a year.[3] In addition, Morpeth proposed that in every parish in which there were more than fifty Church people, and which was endowed with more than 300*l.* a year, the Lord Lieutenant should be at liberty to make such deduction from the value of the cure (so, however, that the income should not be less than 300*l.*) as he thought proper.[4]

[1] In his speech Morpeth said fifty Protestants, but the context proves that he intended to say fifty members of the Church of England. The correction is important, as there were 664,164 Protestant Dissenters in Ireland, and 852,046 members of the the Established Church. The Protestant Dissenters were, therefore, almost as numerous as the Church people. There were 6,427,712 Roman Catholics. *Hansard*, vol. xxviii. pp. 1331, 1332.

[2] *Hansard*, vol. xxviii. 1334. The curate was also to occupy the glebe house, where there was a glebe, and to have a small portion of the glebe.

[3] *Ibid.*, pp. 1339–1342.

[4] *Ibid.*, p. 1336.

Morpeth's bill was read a first time on the 7th of July. Peel took the opportunity, which was thus afforded him, of stating that he concurred with that portion of the bill which substituted a rent-charge for the tithe. To the other portion of it, however, which alienated the property of the Church, he felt the most decided objection. He proposed, under these circumstances, to allow the measure to be read a second time; to reserve his opposition to the motion for going into committee; and then move an instruction to the committee to divide the bill into two parts. Those who agreed with him would thus have the opportunity of opposing that part of the measure which they disapproved without endangering that other portion of it to which they assented.[1] The arrangement was carried out: the bill was read a second time without discussion. The debate on the motion for going into committee was protracted over three nights. At the conclusion of it Peel's proposition for dividing the bill into two was rejected by 319 votes to 282, and the House resolved itself into committee.[2]

Peel endeavours to divide the bill into two.

The Government had won a fresh victory; but its victory was an embarrassing one. The House of Commons had again pledged itself to the impracticable policy of declining a reform on which all parties were agreed, unless it was accompanied with a provision on which the opinion of Parliament was evenly divided. The balance of opinion in the Commons was, indeed, in favour of the course which the ministers were taking; but the Lords were bitterly opposed to it. They, in consequence, took the course which Peel had wished to take in the Commons. They read the bill a second time; passed that portion of it through committee which related to the substitution of a rent-charge for a tithe; and, by a majority of 138 votes to 41, struck

[1] *Hansard*, vol. xxix. p. 287. [2] *Ibid.*, p. 1067.

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out all the clauses which related to the sequestration of the Church revenues.[1] It was in vain that Melbourne warned the Lords that, if the clauses were omitted, he would be no party to proceeding with the measure. The Lords only laughed at his threats. The country—so every nobleman knew—saw plainly enough that the whole difficulty was occasioned by the factious folly of the Whig leaders. They had imported appropriation into the Tithe Bill on the same principle on which the Consubstantialists introduced the word ὁμοούσιον into the Nicene Creed. No Arian would admit that Christ was of the same substance with the Father; no Tory would admit that appropriation was a subject within the scope of Parliamentary discussion. The Arians were driven into schism by the narrow intolerance of their rivals; the Tories were driven out of power by the dexterous but short-sighted amendment of the Whigs. The Church of Christ was destined to be oppressed for centuries by a declaration of faith which the human mind is even incapable of understanding. The amendment of 1835 was destined to be the chronic difficulty of the Whig Ministry.

The Lords reject the appropriation clauses.

Irish tithes had proved a fatal question to both the great political parties in the State. The Tory peers had rejected the bill of 1833, and a Conservative Government had introduced a measure similar to it in 1834. The Whig leaders, in their turn, had secured the overthrow of the Conservative Administration by annexing an impracticable condition to the Tithe Bill; and, in consequence, had been compelled to submit to the loss of their own measure.[2] The greater portion of the

[1] *Hansard*, vol. xxx. pp. 746, 885, 934.

[2] As one effect of the rejection of the Tithe Bill the Ministry was legally compelled to proceed against Irish clergymen for the advances made to them out of the 1,000,000*l.* fund. The clergy were, however, so destitute that it was impossible to do this either with justice or with success, and ministers accordingly introduced a measure authorising them to suspend such suits. *Hansard*, vol. xxx. p. 1119. The bill

session had been wasted by the discussions which thus ensued; and little time was available for the other matters which Parliament had before it. The Legislature, however, found leisure to deal with one other subject. One of the first results of the Reform Act was to draw attention to the defective local government of many of the largest towns. Most of the new boroughs constituted under that Act had no municipalities. The municipalities by which the old boroughs were governed were generally self-elected and corrupt. The abuses which pervaded the old Parliamentary system were reflected in the old municipalities. Before 1832 the country was governed by a Legislature more than half of whose members were the representatives of a few powerful individuals. The town which had received a charter of incorporation was at the mercy of a small, corrupt, and irresponsible oligarchy.

Corporation reform.

The condition of these municipalities naturally forced itself on the consideration of a reformed House of Commons. Petitions for reform were presented from various

was opposed by Hume, and passed. It led to a violent quarrel between Hardinge and Grattan, the member for Meath. Hardinge called Grattan absurd; Grattan retorted that Hardinge was impertinent; and a duel seemed at one time likely to ensue. *Hansard*, vol. xxx. p. 1235. The future historian of Parliamentary manners may care to recollect that the Parliamentary session of 1835 produced one duel—that between Morgan O'Connell and Lord Alvanley—and four quarrels nearly resulting in duels. One of them has been related in this note; the second of them—between Hardinge and Barron—has been referred to *supra*, p. 299. The third arose from an attack of Hume upon Peel, in which Peel understood Hume to say that his conduct was inconsistent with that of a man of honour. *Hansard*, vol. xxvii. p. 55. Peel wrote to Hume calling him to account for his words; and Roebuck, reading the minister's letter to the House, proposed to move that 'it was a breach of privilege for the Chancellor of the Exchequer to call out the Honourable Member for Middlesex.' *Ibid.*, p. 98. Happily, Hume had already explained away his words, and the incident led to nothing more serious than a loud laugh at Roebuck's proposal. It, however, also elicited the fact (which seems to have escaped the attention of the writers on duelling), that Peel, in 1825, had made it a capital felony for one gentleman to pull a trigger upon another. *Ibid.*, p. 101. Hume was also one of the parties in the fourth quarrel. *Ibid.*, vol. xxviii. p. 485. It may be added that part of the 1,000,000*l.* intended for the relief of starving incumbents was squandered on wealthy dignitaries of the Church and still wealthier peers who happened to be lay tithe-owners. See *Hansard*, vol. xxxv. p. 1203.

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places;[1] and Althorp moved for a select committee to enquire into the state of municipal corporations in England, Wales, and Ireland.[2] An effort was made to include Scotland within the terms of the enquiry; and this proposal was only abandoned on the announcement that Jeffrey, as Lord-Advocate, would deal separately with the Scotch boroughs.[3] The committee was appointed. But its members soon found that an enquiry, conducted in London, must be either expensive and protracted or incomplete. They resolved, therefore, on recommending the appointment of a commission capable of dividing the country into districts, and of enquiring locally, through the agency of some of its members, into each municipality.[4] The committee's suggestion was adopted by the Government, and a commission was at once appointed. The commissioners did not find it possible to complete their labours with the speed which the committee had anticipated. Their enquiry, commenced in the autumn of 1833, was not concluded till the spring of 1835. Their report, which was then issued, was one of the longest and most elaborate documents that had ever been published under the authority of Parliament. It had the merit of placing the whole history of corporations before the public, and of foreshadowing the great measure of reform which immediately resulted from it.

The Municipal Commission.

At a time when the vast majority of their fellow-countrymen were the 'villeins' of the neighbouring landlord, a few men collected together in some little enclosures for the purpose of plying the humble trades which were the means of their existence. They soon discovered that the man whose body and whose property were at the mercy of another man was incapable

[1] See, for instance, *Hansard*, vol. xv. pp. 949, 1187.
[2] *Ibid.*, vol. xvi. p. 645.
[3] *Ibid.*, pp. 648, 655.
[4] The report is in *Ann. Reg.*, 1833, Chron., p. 337.

of becoming a successful tradesman, and they consequently resented the superiority of the lord, and claimed to be free. Thus, in every part of England, little settlements, formed for the purposes of trade, became the great nurseries of freedom. It is the distinguishing merit of the free man that he claims equal privileges for those who come after him. The freeman insisted that everyone who was born to him in his little settlement, everyone who married his daughter, everyone who served an apprenticeship to his trade, should be as free as himself. These honest burghers, shrinking from the enforced servitude of their less fortunate fellow-countrymen, were laying the foundations of the prosperity of their towns. They were doing more. They were laying the foundations of a free England.

The origin of municipal institutions.

Men, collected together in a common centre, find it expedient to act together. The burghers found it necessary on extraordinary occasions to meet and agree upon some common measure for the common good. In the course of time experience proved the inconvenience of these large meetings, and committees were appointed for the management of the affairs of each town. These committees were gradually entrusted with the simple duties which government was required to discharge in those ages, and thus municipal institutions were established in practice before they were settled by law.[1] This alteration was attended with one advantage and one evil. The town increased in importance from the action of its governing committee; but the committee too frequently usurped the authority of the freemen. This usurpation went on more rapidly from the times of the Tudor sovereigns. The Tudors desired to conciliate the great centres of industry for which Simon de Montfort, two or three centuries before, had secured Parliamentary representation. The easiest method of con-

[1] *Corporation Report*, Parliamentary Papers, 1835, vol. xxiii. p. 16.

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ciliating them was to grant charters of incorporation to the towns. The Tudor monarchs, therefore, granted charters to most of the Parliamentary boroughs. In some instances the whole body of the freemen resident in the borough constituted the corporation; but in most cases the corporators were composed of a small and select body. Even in those towns where the number of the corporators was indefinite the freemen soon ceased to regard themselves as part of the corporation; and the corporation was popularly considered to consist exclusively of the ruling body.[1] The corporators, in their turn, limited the number of freemen. The freedom of a borough was no longer confined to those who were born within its limits, or to the sons-in-law and apprentices of freemen. Wealth or favour became the easiest passports to it; and in the great majority of boroughs the mass of the inhabitants were no longer free. In Liverpool, for example, there were 165,000 people, but only 5,000 freemen; in Portsmouth, 46,000 persons, and only 102 freemen.[2]

The freemen.

The freemen would have increased less rapidly if political ends had not stimulated their creation. At Maldon, where 17 persons were usually admitted every year to the freedom of the borough, 1,000 freemen were created during the general election of 1826. 'Admission to the corporate body,' wrote the commissioners, 'is commonly sought mainly with the view to the lucrative exercise of the elective franchise.'[3] This abuse was destroyed by the Reform Act, and the number of admissions fell off in a remarkable manner.[4] But the privileges of freemen were not all destroyed by Parliamentary reform. In many boroughs they had an exclusive right of pasturage on particular commons, or an exclusive claim to the funds of particular charities, or they

[1] Parl. Papers, session 1835, vol. xxiii. p. 18.
[2] *Ibid.*, p. 33.
[3] *Ibid.*, p. 34.
[4] *Ibid.*, p. 35

were able to claim exemption from the borough tolls. The value of the pasturage enjoyed by a freeman at Beverley was computed at 25*l.* a year.[1] The merchant, at Newcastle, who happened to be a freeman saved 450*l.* a year in tolls.

The Mayors and Common Councils.

The freemen, though they enjoyed these privileges, had rarely any share in the government of the borough. Its government was usually vested in a chief officer and Council. In small boroughs the Mayor was practically entrusted with almost the sole authority, and occasionally with the whole revenues of the corporation.[2] The Mayor, in these instances, was never called upon for an account of the manner in which he discharged his trust; and the funds of the borough were notoriously perverted from their real uses. Soon after the disfranchisement of Grampound the Mayor left the borough, took the accounts away with him, and did not think it necessary to reappear.[3] The Mayors, however, were not the only defaulters. Their Councils were equally corrupt. It would have been odd if it had been otherwise. The Councils were usually self-elected. The councillors ordinarily held office for life. They were generally animated by only two inducements—to improve their own fortunes, and to perpetuate the ascendency of the political party to which they happened to belong.[4] The funds of the borough were expended in the salaries of unimportant officers, and on entertainments to the friends of the Common Council.[5] The property of the borough was frequently let to members of the Council upon a rent and at fines wholly disproportionate to its value.[6] The property of the borough was occasionally insufficient for the corrupt desires of these local obligarchs. In one borough, at any rate,

[1] *Hansard*, vol. xxviii. p. 1003.
[2] *Report*, pp. 21, 23.
[3] *Ibid.*, p. 37.
[4] *Ibid.*, p. 36.
[5] *Ibid.*, pp. 33, 45.
[6] *Ibid.*, p. 45.

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which possessed lands worth 6,000*l.* a year, it was resolved to mortgage the property, and to divide the borrowed money among the freemen.[1] Tolls and dues granted by the Legislature for objects of local utility were commonly converted into private property.[2]

Municipal justice.

In the great majority of boroughs there were local civil courts, or courts of record; and in the principal boroughs there were municipal magistrates, often chosen by the Common Council, and usually members of it, whose authority as justices extended over the whole borough. No jurisdiction could possibly have been worse. The population had commonly outgrown the limits of the corporate authority. Four towns, Bristol, Rochester, Carlisle, and Hull, taken from different parts of the country, had an aggregate population of 190,000 people—93,000 people dwelt within, 97,000 without, the limits of the corporate authority. Fifteen precincts of Canterbury were exempted from the jurisdiction of the corporation.[3] Defective organisation of this kind was, however, only one of the evils of the system. The most whimsical varieties existed in the charters of the boroughs. In Bath, with a population of 50,000, the local courts had no power to try a felony. In Dunwich, with a population of 232, the local courts could sentence a man to death. The magistrates who exercised these various powers were frequently illiterate. It was said at Malmesbury that they were often unable to read or write.[4] In most boroughs, indeed, they were usually assisted in criminal cases by a Recorder.[5] But the Recorder was not necessarily a lawyer; he did not always regard attention to his work a necessary part of his duty. The Recorder of Carmarthen held his office for fifty years without once visiting the borough.

[1] *Report*, p. 46.
[2] *Ibid.*, p. 47.
[3] *Ibid.*, pp. 26, 28, 31.
[4] *Ibid.*, p. 39.
[5] *Ibid.*, p. 22.

The Recorder of Lancaster did not attend the Quarter Sessions once between 1810 and 1832.[1] In the absence of the Recorder the town clerk generally tried the cases. At Reading the town clerk tried a case in which his own partner was one of the attorneys.[2]

These abuses must necessarily have been known to a great many people. Yet so long as Parliament was unreformed no one drew attention to them. They received their deathblow from Parliamentary Reform. Some of the smaller boroughs had no funds; their expenses were defrayed by their patron; and the patron naturally declined to go on contributing towards their support when he had ceased to derive any benefit from the borough. In these cases the municipality died a natural death, the corporation having no means of sustaining municipal institutions.[3] The unreformed House of Commons was, in fact, dependent on the unreformed corporations. The unreformed corporations were the cause and consequence of the unreformed House of Commons. Both were founded on monopoly; both were supported by corruption; both were teeming with abuses; and the Act, which transferred the power of the State from the few to the many, was necessarily followed by a law transferring the power of local government from the corporations to the inhabitants.

Municipal reform in Scotland.

Reform was, in the first instance, accomplished in Scotland. In 1833, Jeffrey, as Lord-Advocate, introduced two bills—one to enable the 10*l.* householders to elect the Councils of the Royal boroughs, the other to provide municipal institutions for the new Parliamentary boroughs. The enquiry which Lord Archibald Hamilton had persuaded an unreformed House of Commons to institute fifteen years before at length bore fruit.[4] An unreformed Parliament had declined to interfere with

[1] *Report*, p. 38. [2] *Ibid.*, p. 41. [3] *Ibid.*, p. 31.
[4] See *ante*, vol. ii. p. 278.

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the machinery for governing the Royal boroughs. In a reformed House of Commons, Jeffrey's bills were passed almost in silence; and the municipalities in Scotland became thenceforward the creatures of popular election. Two years elapsed before a similar reform was extended to any other portion of the United Kingdom. The commissioners of 1833 were laboriously doing in England and Wales the work which Archibald Hamilton's committee had already done for Scotland; and the result of their labours was not made public till after the commencement of the session of 1835.

The Corporation Bill introduced.

The bill, which was founded on the recommendations of the commissioners, was entrusted to Russell. Russell spoke with the authority which attaches to the leader of the House of Commons: he retained the influence which he had derived from his introduction of the Reform Bill. His task in 1835 was, however, much easier than his task in 1831. In 1835 he had the advantage of speaking from a brief which had been carefully prepared, and to an audience resolute on Reform. The abuses which enquiry had revealed were indisputable; and Russell rather weakened than strengthened his case by describing the Corporation of Aldborough, a Tory borough of which Lord Hertford had been the patron, and which Croker had represented. The attack was, to say the least, indiscreet. Croker had definitely retired from Parliamentary life, and was no longer, therefore, worth attacking. Aldborough, rotten as it was, was not more rotten than a dozen other municipalities. Peel easily turned the tables on Russell by describing the abuses in the Whig boroughs of Derby and Portsmouth. Corruption, Russell ought to have known, was not confined to one political party. The merit which his own friends could claim was not that of having abstained from corruption, but of desiring to terminate it.[1]

[1] Aldborough was bad enough. The Council was composed of Lord

Russell proposed that the bill should apply to 183 boroughs. These boroughs, which did not include the metropolis, contained an aggregate population of 2,000,000 people, or on an average 11,000 souls each. In the majority of cases the boundary of the Parliamentary borough was to be the boundary of the municipality: in a few instances the Crown was to have power to define the municipal boundary. The governing body was to consist of a mayor and council, and the councillors were to be elected by residents who had been ratepayers for three consecutive years. The twenty largest boroughs were to be divided by the King in Council into wards, and a certain number of common councilmen were to be attached to each ward. The pecuniary rights of existing freemen were to be preserved; but they were to die out as the freemen gradually dropped off. All exclusive trading privileges were to be abolished. Separate committees, chosen, not from the common council, but from the burgesses, were to be appointed for the management of the charity estates. A recorder, to be nominated by the Crown, was to be allotted to any borough which thought proper to provide an adequate salary for the office; but the

Its principal provisions.

Hertford, two members of his family, his solicitor, his land agent, his steward, broker, a captain in the navy, and a chamberlain. 'To some future antiquary,' sneered Russell, 'who should not carry his researches completely into the history of the present age, it might seem that to find a noble lord and the Right Hon. John Wilson Croker devoting their talents and attention to the business of the borough, was a proof of most extraordinary and exemplary kindness.' *Hansard*, vol. xxviii. p. 547. 'I hope,' replied Peel, 'the antiquarian will travel into the interior. . . . I hope he will go to Derby. . . . He will find it stated, in the case of the Corporation of Derby, that, whenever they thought the number of the freemen in their interest was "getting low," the Mayor or some other influential member of the Corporation applied to the agents of the Cavendish family and requested a list of the names of persons to be admitted as honorary freemen. On the last occasion on which honorary freemen were made almost all of them were tenants of his Grace the Duke of Devonshire. The agents of his Grace paid the fees on the admission of the honorary freemen. Without the admission of such freemen, it was said the Corporation "could not have kept the Tories quiet: they would have been restless." *Ibid.*, p. 563.

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recorder was, in every case, to be a barrister of five years' standing.[1]

The Tories dislike the measure.

Such were the principal provisions of the great measure of corporation reform introduced in 1835. It created almost as much sensation as the Reform Bill. Many eminent lawyers, moreover, were of opinion that the Crown had technically no power to appoint a commission to enquire into the rights of corporations. It followed that the mass of evidence which the commissioners had obtained was collected in an irregular way, and could not be considered legal testimony. Parliament, it was therefore argued, ought to ignore the case against the corporations, and refuse even to discuss the provisions of the bill.[2] Fortunately for the country, the promise which Peel had made in office was no idle pledge to be cast aside in Opposition. The great leader of the Conservative party had no fancy for making himself the spokesman of old-fashioned Tories. He had the courage to declare himself, at once, in favour of a large measure of reform,[3] and his declaration facilitated the progress of the bill. The Tories hated Reform, but they were powerless in the Commons without Peel. They were compelled, therefore, to conceal their dissatisfaction.[4] The great measure which Tories like Eldon thought even more iniquitous than the Reform Act was read a second time on the 15th of June, almost without debate, and without a division.[5] It was inevitable that its passage through committee should provoke discussion. A bill, comprising some 200 clauses, dealing with an extensive property, extinguishing the privileges of influential minorities, and conferring authority on unrepresented majorities, necessarily raised a great many difficult questions which de-

[1] *Hansard*, vol. xxviii. pp. 541–558.
[2] *Eldon*, vol. iii. p. 247.
[3] *Hansard*, vol. xxviii. p. 558.
[4] *Greville*, vol. iii. p. 263.
[5] *Hansard*, vol. xxviii. pp. 820–843.

served and required consideration. Sir William Follett, a barrister, who had risen rapidly to the front rank of his profession, and who had been appointed Solicitor-General in Peel's short-lived Administration, endeavoured, on the 23rd of June, to preserve the rights of freemen to the Parliamentary franchise, and was only beaten by 278 votes to 232.[1] A week afterwards Peel himself attempted to attach a qualification to town councillors, and was beaten by 267 votes to 204.[2] Stanley, on the same evening, desired that a third of each council should retire biennially instead of annually, and was also beaten by 220 votes to 176.[3] No other point of serious importance was raised in the Commons. On the 17th of July the measure was reported;[4] on the 21st of July it was carried to the Lords.[5]

The bill passes the Commons.

The Ministry had thus succeeded in passing their great measure through the Commons. Their success was mainly due to the moderation of Peel. He had supported the principle of the bill; he had confined his opposition in committee to salient points; and, instead of availing himself of the forms of the House to protract the debate, he had in every case simplified the discussion and facilitated the decision of the Commons. Peel's influence, however, was almost exclusively confined to the Lower House of Parliament. The Lords, still clinging to the obsolete privileges of their order, rallied in the defence of abuses. On the 28th of July

[1] *Hansard*, vol. xxviii. pp. 1069–1112. The Parliamentary franchise of freemen had been preserved by the Reform Act, and this bill, disfranchising future freemen, was naturally, therefore, exposed to much opposition. The Conservatives were not satisfied with their defeat. They again raised the question on the 16th of July, and were again defeated by 262 votes to 234. *Ibid.*, vol. xxix., pp. 646–669. Immediately afterwards they brought forward an amendment to preserve all the other rights of freemen, but they were again beaten by 234 votes to 203. *Ibid.*, p. 677.

[2] *Ibid.*, vol. xxix., p. 120. Peel proposed that the qualification in boroughs divided into wards should be the possession of 1,000*l.* or a rating at 40*l.* a year. In boroughs, not so divided, 500*l.* or a 20*l.* rating. *Ibid.*, p. 104.

[3] *Ibid.*, p. 124.

[4] *Ibid.*, p. 715.

[5] *Ibid.*, p. 785.

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and is sent to the Lords.

Lord Strangford, the Tory peer who had been promoted to the English peerage for his diplomatic services, proposed that counsel should be heard in support of a petition from Coventry against the Bill. The ministers could not, of course, accept a motion which would have been fatal to the measure, since, if Coventry were represented by counsel, counsel could not be refused for any borough mentioned in the bill. Brougham suggested that, instead of counsel being heard for each borough, the petitioners should 'consolidate their opposition under one banner' and select two counsel to conduct their case. The suggestion was adopted.[1] Counsel were called in and heard on three consecutive evenings;[2] and Melbourne gave notice that he should ask the House to resolve itself into a committee on the bill on the following Monday.

The Lords hear counsel and receive evidence,

This course, however, was not acceptable to the hot-headed Tory peers who composed the majority of the House of Lords. Strangford had persuaded the House to hear counsel. Carnarvon, on the 3rd of August, insisted that it should receive evidence, and his motion was carried against the Ministry by 124 votes to 54.[3] Carnarvon had, at any rate, gained the municipalities a week's delay. For five days the peers were occupied with hearing evidence. Most of the evidence given at the Bar consisted of an imperfect repetition of the statements made more fully in the commissioners' reports; and the facts which the commissioners had alleged, and which were contradicted at the Bar, were few and unimportant. Liberal peers could not help perceiving that the whole proceedings were unjust to the commissioners;[4] Tory peers could not help concluding that the evidence was not advancing their own side of the case. Both parties consequently determined to go on

[1] *Hansard*, vol. xxix. pp. 1132, 1137, 1150.
[2] *Ibid.*, pp. 1241, 1276, 1337.
[3] *Ibid.*, p. 1425.
[4] *Ibid.*, vol. xxx. p. 333.

with the bill and to stop the evidence. Extreme Tories, indeed, still imagined that the proper method of going on with the bill was to throw it out altogether. Newcastle had objected to every reform for which posterity has to thank the ministers of the fourth George and the fourth William. He had objected to the repeal of the Test Act; he had objected to the relief of the Roman Catholics; he had objected to the Reform Act, for which his own conduct at Newark would have afforded an adequate apology. He objected to the measure of corporation reform, 'the latest product of the arbitrary will of a tyrannical House of Commons.'[1] Fortunately, the Lords had too much prudence to adopt the arbitrary advice of a tyrannical nobleman. They resolved themselves into a committee. The part of the Newcastles was done. The subtler opposition of the Lyndhursts was beginning.

Lyndhurst coolly promised the rank and file of his party to make the bill what Tory peers called a Conservative arrangement.[2] Anyone who will take the trouble to compare the measure as it left the Commons with the measure which was passed by the Lords will be disposed to concede this merit to the Tory ex-Chancellor, that he kept his promise. Even old Eldon, pining in his library at the heavy weight of age which prevented him from going down to the House and supporting Newcastle, admitted that Lyndhurst's amendments did him 'great credit.'[3] The rapidity with which they were made was equally creditable to his constructive statesmanship. The Lords' committee only commenced its labours on Thursday, the 13th of August. The bill was read a third time and passed on Friday, the 28th of August.[4] On the 13th the Lords decided by 130 votes

[1] *Hansard*, vol. xxx. pp. 340, 342.
[2] Buckingham's *Courts and Cabinets of William IV. and Victoria*, vol. ii. p. 198.
[3] *Eldon*, vol. iii., p. 247.
[4] *Hansard*, vol. xxx. p. 1070.

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to 37 to preserve for ever all the rights of freemen.[1] On the 14th they determined, by 120 votes to 39, that the council should be elected from the ratepayers who paid on the highest rate of assessment.[2] On the 17th, by 126 votes to 39, they introduced aldermen elected for life into every council.[3] The Opposition had by this time shown so much power that the Government ceased to divide against their amendments. In the next few nights the powers of existing justices were preserved for life; the task of dividing boroughs into wards was taken from the King in Council and entrusted to revising barristers; the licensing powers were taken from the town councils and transferred to the county magistrates: the office of town clerk was made tenable during good behaviour; and the management of the Church property of corporations was entrusted to those members of the council who happened to belong to the Church of England.[4] Lyndhurst could fairly claim that he had redeemed his promise. The Corporation Bill had been converted, as Ellenborough declared, into 'a full, consistent, and Constitutional Conservative reform.'[5]

and recast the bill.

Tory lords were enthusiastic at their success; yet, even in their enthusiasm, they could not conceal from themselves the dangers of their position. They had to reckon with a reformed House of Commons; they had to reckon with Peel. The Commons were already threatening to stop the supplies if the Corporation Bill were not passed. Some members in the Commons' House were using stronger language and boldly threatening the House of Lords with extinction.[6] Lyndhurst's victory had thus brought the two Houses of Parliament

Irritation in the Commons at these amendments.

[1] *Hansard*, vol. xxx. pp. 456, 463.
[2] *Ibid.*, p. 498.
[3] *Ibid.*, p. 601.
[4] *Ibid*, pp. 630, 632, 645, 965, 977. A division took place on the clause relating to town clerks, and the Ministry was beaten by 104 votes to 36. *Ibid.*, p. 971.
[5] *Ibid.*, p. 1034.
[6] See especially the speeches of O'Connell, Hume, and Attwood. *Ibid.*, pp. 823, 827, 830.

into collision. Mrs. Partington, to use Sydney Smith's simile, was again attempting to mop up the Atlantic; and Mrs. Partington, in her new effort, had not even secured the assistance of Peel. It was no secret that Peel disliked the course which Lyndhurst had taken; that he had used his influence with Wellington and Ellenborough to moderate the conduct of his intemperate ex-Chancellor; and that Lyndhurst's amendments would have been still more sweeping if it had not been for Peel's remonstrances.[1] What, then, would Peel do in the coming contest between the two Houses of the Legislature? Hot-headed Tories, deceived by their temporary success, affected, indeed, indifference on the subject. 'Peel! What is Peel to me? D—n Peel!' was Lyndhurst's reckless expression.[2] The Londonderrys and Newcastles speculated on the formation of a Tory Ministry, with Lyndhurst as Prime Minister, and Follett and Praed as leaders in the Commons.[3] All the lessons of an instructive past were thrown away on these short-sighted senators. Peel, by his admirable policy, had almost persuaded the nation that a Conservative minister, at the head of a Conservative party, might become the instrument for accomplishing efficient reforms. Lyndhurst had destroyed the illusion, and, stripping the sheep's clothing from the wolves' backs, had proved that the Conservatives were only Tories after all.

For the moment, however, the triumph of the Tories was complete. The reconstructed bill was sent down to the Commons; and the Tory peers had the satisfaction of congratulating themselves on their unusual victory. The triumph was short. On the last day of August, Russell, fresh from a large Liberal meeting in Downing Street,[4] explained the course which ministers proposed to take. They declined to admit aldermen,

[1] *Courts and Cabinets*, vol. ii. 199.
[2] *Chancellors*, vol. viii. p. 109.
[3] *Courts and Cabinets*, vol. ii. p. 199.
[4] *Greville*, vol. iii. p. 303.

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elected for life upon any town council, but they consented to the selection of a limited number of aldermen to be appointed for six years; they accepted the Lords' amendment for the settlement of the boundaries of wards by revising barristers. They refused the qualification which the Lords had fixed for town councillors; but they offered to substitute for it some other qualification. They accepted the amendment which preserved the Parliamentary franchise for freemen; they rejected the amendment which exempted freemen from tolls. They refused the introduction of a new religious test. They refused the amendments which made town clerks irremovable, and by which borough magistrates, already justices, were continued as justices.[1] As soon as Russell had sat down Peel rose. The interest which had attached to Russell's explanation was forgotten amidst the expectation which Peel's rising excited. He attended, he said, to defend the independence of the House of Lords against the attacks which were apparently being prepared against it. He defended it, it was at once evident, by rejecting its amendments. He agreed with Russell in objecting to aldermen for life; he agreed with Russell in abolishing the exclusive trading privileges of freemen. He offered to compromise the question of the qualification of town councillors in the manner which Russell had suggested; and he only supported his late Tory colleagues against the Ministry on the comparatively unimportant points of the irremovability of town clerks and the management of ecclesiastical property.[2] The Whigs listened with pleasure to the liberality of his sentiments, and rewarded him with their cheers. The Tories heard in silent rage and dismay the decision of their leader. This Peel, whom Lyndhurst had refused to consider, had destroyed the full comprehensive Conservative reform which the Tory peers had secured; and the Tories had the morti-

The peers' amendments rejected by Russell

and by Peel.

[1] *Hansard*, vol. xxx. pp. 1132–1145. [2] *Ibid.*, pp. 1145–1156.

fication of seeing that they were powerless without his assistance. A few peers, indeed, the Cumberlands and the Londonderrys of the party, still talked of being firm. The aspect of their own House made their talk seem ridiculous. On the 31st of August, before Peel made his speech, one hundred and forty Tory peers attended, though there was nothing important for them to do. On the 1st of September, when Peel's speech was known, the Tory attendance in the House of Lords was confined to sixty peers.[1] On the 3rd of September Wellington collected his own friends in Apsley House and advised them to give way.[2] On the following night Lyndhurst repeated similar advice in the House of Lords.[3] The more important decisions of the Commons were accepted. The Lords' reasons for disagreeing from the others were explained at a conference between the two Houses. Ministers, satisfied with their success, asked the House of Commons in their turn to yield,[4] and the Corporation Bill became law.

The bill becomes law.

A reform second only to the Reform Act in its consequences had been carried; and the government of the largest boroughs in the country had been transferred from corrupt oligarchies to their inhabitants. But the passage of the Act did not reconcile advanced Liberals to the conduct of the Tory peers. A handful of noblemen, acting under the advice of a clever and reckless leader, had taken upon themselves to remodel a popular measure; and, but for the moderation of Peel, would have succeeded in doing so. In the same week in which the Corporation Bill had been nearly lost the Irish Church Bill had been cut in half by the Lords; and another measure, introduced towards the close of the session, to constitute an efficient police force in the city of Dublin

[1] *Courts and Cabinets*, vol. ii. p. 206.

[2] *Greville*, vol. iii. p. 207. Cf. *Melbourne*, vol. ii. p. 154.

[3] *Hansard*, vol. xxx. p. 1341.

[4] *Ibid.*, p. 1402.

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had been thrown out in the Upper House. This bill proposed to substitute for the old police, which was an inefficient body, under the control of a corrupt corporation;[1] a new force constituted on the principle which Peel had applied to the London police. O'Connell took some interest in its progress, and, it was reported, expected to derive some advantage from the patronage which it conferred on the Irish Government.[2] Such a report was quite enough for the intemperate Tory peers who commanded a majority in the Upper House of Parliament. They did not attempt to deny that the measure was a good one: it was enough for them that the Corporation of Dublin had not been consulted in its preparation, and that O'Connell took an interest in its success. Without discussing its merits, without considering its necessity, without reflecting on the consequences of their proceeding, they contemptuously rejected the bill. The respectable citizens of Dublin were left to the mercy of the criminal classes.[3]

The rejection of the Dublin Police Bill.

Under other circumstances this decision would have attracted little notice. In September 1835 the reconstruction of the Corporation Bill shed a new light on the bisecting of the Tithe Bill; the bisecting of the Tithe Bill emphasised the rejection of the Dublin Police Bill. It was evident that the opinions of the Peers were sharply opposed to the opinions of the Commons; and that the legislative machine was almost brought to a standstill by the contrary views of the two Houses. The newspapers, day after day, published complaints about the conduct of the Lords. Even some of the responsible ministers of the Crown declared that the time had come for reforming the Upper House of Parliament.[4] If Lyndhurst had proved superior to Peel this

1 *Hansard*, vol. xxx. p. 1330.
2 *Ibid.*, p. 1189.
3 *Ibid.*, p. 1334; and cf. *Greville*, vol. iii. pp. 310, 333.
4 *Melbourne*, vol. ii. p. 155. *Greville*, vol. iii. p. 312.

reform might, perhaps, have been attempted; but Peel's temperate conduct had removed the grievance of which every Englishman complained. Every townsman might feel indignant at an oligarchy which insisted on imposing upon him the corrupt rule of a self-elected corporation. But no townsman could continue to be indignant when the oligarchy was compelled to give way. Every man interested in good government might be ready enough to attack the senators who were recklessly opposing themselves to the wishes of the nation. No man would take the trouble to attack the senators who had abandoned their trenches and run away from the contest. The peers had saved themselves from reform, but they had purchased their safety by making themselves contemptible.

In Great Britain, then, the peers were forgiven because they had confessed themselves powerless. From an Irish point of view, however, the peers were still powerful. They had bisected the Tithe Bill; they had thrown out the Dublin Police Bill; and the peace and happiness of Ireland were nothing to these selfish noblemen. An English Radical, in consequence, proposed that the Lords' veto should be taken away, and that a suspensive power, to be exercised only once on each measure in the same session, should be entrusted to them instead of it.[1] O'Connell made a progress through the North of England and Scotland, attacking in town after town the conduct of the peers. The population poured out from the great hives of industry in the North to welcome and applaud the eloquent agitator. 'Ancient Athens,' he said at Edinburgh, 'was degraded for submitting to thirty tyrants; modern Athens will never allow 170 tyrants to rule over her. I have started on this mission to rouse the public mind to the necessity of reforming the House of Lords, and I have had 50,000

Agitation against the Lords.

[1] *Hansard*, vol. xxx. p. 1268. The notice was given by Roebuck.

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cheering me in Manchester, and 100,000 cheering me in Newcastle; and I heard one simultaneous cry, "Down with the mad dogs, and up with common sense!"' 'A hundred and seventy men our masters!' he exclaimed in Glasgow. 'It is impossible that it can last—that such a set of stupid, ignorant, half-mad fops and coxcombs should continue so to lord it.'[1]

O'Connell and the Carlow election.

O'Connell was received with rapture by the lower classes; but his agitation did not do much harm to the Lords. On the contrary, respectable people were shocked at the violence of his language, and were disposed, from a mere love of fair play, to rally to the support of men who were unfairly attacked. The great agitator had, in fact, overshot his mark and created a reaction by the violence of his own blow. It happened, too, that while the passions which were thus provoked were still warm a correspondence was published which threw a new light on O'Connell's conduct. At the general election of 1834 two Conservatives—Bruen and Kavanagh—were returned for county Carlow. A petition was presented against their return; it was referred, in the ordinary way, to a 'Grenville committee'; and on the 27th of May, 1835, the election was declared void. The day after a Mr. Raphael—a gentleman residing in London—was invited by O'Connell to become a candidate for the county. He was assured that he would only risk 1,000*l.* by doing so. After some hesitation he accepted the offer, and handed the 1,000*l.* to O'Connell. The election took place; the Tory candidates were defeated; and Raphael and a gentleman named Vigors returned by a small majority. The Tories, however, were not satisfied with their defeat. They presented a petition against the return, insisted on a scrutiny, and claimed the seat. O'Connell compelled Raphael to pay a second 1,000*l.* to cover the expense of defend-

[1] *Ann. Reg.*, 1835, Hist., pp. 369, 371.

ing the return. The committee disallowed more than one hundred of the votes which had been given to Vigors and Raphael, and thus converted their majority into a minority. Raphael had spent 2,000*l.* in trying to get into Parliament, and had the mortification of finding that he had not secured his object.

Annoyed at the loss of his money and the failure of his expectations, Raphael embodied the whole of these particulars in a letter to the 'Times.' He admitted that 1,800*l.* of the 2,000*l.* had been properly spent, but he declared that there was no trace of the manner in which the other 200*l.* had been expended. His letter produced a prodigious effect. The people who had been talking day after day of O'Connell's attack upon the Lords began discussing Raphael's attack upon O'Connell. Tory peers were glad enough of an episode which diverted the attention of the public from their own conduct and cast discredit on the character of their assailant. The scandal, however, was hardly necessary to produce a reaction in favour of the Peerage. As a rule, indeed, people had no objection to the unscrupulous denunciation of public characters; but they thought that the man, who preferred the charges should be ready to 'meet' the adversaries whom he had wronged. They were unanimous in thinking that a politician who persistently refused to fight should be scrupulously moderate in the language which he employed. Burdett representing the general feeling, insisted on O'Connell's removal from Brookes's Club.[1] He withdrew his own name from the club when his application was ignored. Stanley and Graham followed the example which was

Feeling against O'Connell.

[1] Raphael's letter is in the *Times* of the 31st of Oct. 1835, Burdett's in the *Times* of the 21st of Nov., 1835. Cf. also *Ann. Reg.*, 1835, Chron., p. 146; *Greville*, vol. iii. p. 319. O'Connell's conduct was brought before Parliament in 1836, and the whole matter referred to a committee. *Hansard*, vol. xxxi. pp. 272–301, and 445–491. The committee completely exonerated him (*ibid.*, vol. xxxii. p. 209), and the House itself subsequently passed some resolutions, proposed by Russell, adopting the committee's view. *Ibid.*, vol. xxxiii. pp. 75, 192.

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thus set them. Other Whigs imitated this conduct. The proprietor of Brookes's was startled at receiving no less than sixty resignations, all dated from one great Whig house; and fifteen years elapsed before the club again contained its full complement of members.[1]

The attitude of Brougham.

There was, however, one prominent man whose position was still doubtful. Throughout the whole of 1835 Brougham had imitated the conduct which he had pursued towards Canning eight years before, and had patronised rather than supported the Whig Ministry. He never doubted that his exclusion from the Chancellorship was a temporary concession to the spite of the sovereign, and that the ministers would gladly avail themselves of an early opportunity to regain his services. The fact that the Great Seal had been entrusted to commissioners, instead of being handed to any rival claimant, confirmed his conviction. It was obvious that Pepys, Shadwell, and Bosanquet could not be perpetually taken from their ordinary duties for the purpose of filling the vacant seat in the Court of Chancery. On the other hand, experience had proved that the Ministry could get on very well without a Chancellor in the Cabinet; and the Government seriously contemplated filling up the vacancy by the appointment of a permanent judge.[2] Brougham naturally imagined that his own claims for such an office would exceed those of his contemporaries, and left London confident in his own fortunes and in his immediate return to power.

[1] The feeling against O'Connell may be inferred from the fact that the *Times* of the 26th of November, 1835, inserted the following lines:—

'Scum condensed of Irish bog!
Ruffian—coward—demagogue!
Boundless liar—base detractor!
Nurse of murders, treason's factor!
. . . . .
Spout thy filth—effuse thy slime;
Slander is in thee no crime.
Safe from challenge—safe from law,
What can curb thy callous jaw?
Who would sue a convict liar?
On a poltroon who would fire?'
&c., &c.

It seems almost incredible that these lines could have appeared in the best-conducted newspaper of the day less than forty-five years ago; but they are a good example of the rage which was kindled by O'Connell's agitation.

[2] See Lord J. Russell's speech, Aug. 17, 1835. *Hansard*, vol. xxx. p. 610.

During the recess everything pointed to the fulfilment of his expectations. The newspapers complained of the inconveniences which had arisen from the Great Seal being put into commission. Sugden, who had been law officer under Wellington, and who had been Irish Chancellor during Peel's short Administration, published a pamphlet, 'What has become of the Great Seal?' The Cabinet hastily met, and still more hastily decided to fill up the Chancellorship. Even in their necessity, however, ministers could not bring themselves to appoint Brougham. His conduct to Grey, his progress through Scotland, his quarrel with Durham, his patronage of Melbourne—all these things made him intolerable: Melbourne declared that it was impossible to act with him.[1] It became consequently necessary to seek elsewhere for a Chancellor. Pepys had only recently attained prominence. He had only received the Solicitor-Generalship early in 1834. He had been made Master of the Rolls after Leach's unexpected death in the autumn of that year. He had been made one of the commissioners for executing the office of Chancellor in May 1835. He was raised to the Chancellorship, as Lord Cottenham, in January 1836. Such rapid promotion had rarely been witnessed at the English Bar; and Pepys' good fortune seemed the more surprising, because he was no orator,[2] and he was, therefore, no match for the great debaters whom, it was certain, he would have to face in the House of Lords. His deficiencies in this respect were so clear that ministers decided on reinforcing him in debate by raising another lawyer to the Peerage. Bickersteth had refused the Solicitor-Generalship on Pepys' promotion in 1834. He had never held any office; he had never sat in

Pepys is made Chancellor.

[1] *Chancellors*, vol. viii. p. 110. *Recollections and Suggestions*, p. 140.

[2] Campbell says that his single great speech in Parliament, on the law of libel, was made for him by Brougham. See *Chancellors*, vol. viii. p. 428. The speech in question is in *Hansard*, vol. xxii. p. 410.

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Parliament; but he was widely known as a sound lawyer, and he had obtained repute as a ready speaker by one celebrated retort.[1] The ministers decided on appointing him to the vacancy in the Rolls which Pepys' promotion had made,[2] and on simultaneously raising him to the Peerage as Lord Langdale. It was hoped that Langdale and Cottenham would prove capable of withstanding the united onslaughts of Lyndhurst and Brougham.

These arrangements naturally excited considerable jealousy. There were two men to whom they were especially distasteful. At the time of the promotion of Denman to the King's Bench, in the autumn of 1832, John Campbell had been appointed to the Solicitor-Generalship. At the commencement of 1834 he had been made Attorney-General; and he had been restored to that office on the return of the Whigs to power in 1835. He had won distinction, both in Parliament and as a law reformer, before the names of either Pepys or Bickersteth were known beyond the narrow confines of Lincoln's Inn. He had been a consistent Whig, and he was a ready debater. He warmly resented his supersession by men junior to himself, and sulkily complained of the treatment which he had personally received. But his annoyance was nothing to Brougham's rage and disappointment. No pains were taken to break the news of the new appointments to the turbulent ex-Chancellor. He first learned from a newspaper paragraph that Pepys was Chancellor, and Lord Cottenham. The nature of the tidings, the manner in which he heard them, increased the severity of the blow. This Pepys

Discontent of Campbell and Brougham.

[1] Bickersteth was arguing before the Privy Council the claims of the London University for a charter, when Brougham interrupted him by saying, 'Pray, Mr. Bickersteth, what is to prevent the London University from granting degrees now?' To which Bickersteth replied, 'The universal scorn and contempt of mankind.' *Greville*, vol. iii. p. 82. This is evidently the retort referred to by Campbell in *Chancellors*, vol. viii. p. 475.

[2] Hardy's *Lord Langdale*, vol. i. p. 447.

who had supplanted him was—so he argued—a creature of his own: he had made his speeches for him, he had obtained for him his advancement. He could not bring himself to face the familiar chamber while the Woolsack was thus occupied, and, ill, both in body in mind, he remained at Brougham.[1] Throughout the whole of 1836 he continued in retirement, while friends and foes alike congratulated themselves on his absence. His mother's predictions and the jokes of his friends had, at last, come true. The man who, as member for Yorkshire, had held the destinies of a party in his hands had been reduced to insignificance by a peerage. It was at last literally true that he was *Vaux et præterea nihil.*[2]

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For the first time, then, for many years Brougham's familiar figure was absent from Westminster. For the first time since the Reform Act, it may be added, public men were concentrating themselves in two great parties. Stanley had taken his seat on the Opposition benches in 1835; he placed himself next Peel in 1836.[3] The Liberals, on the other hand, drew closer together. The Ministry could not exist without Radical support. The Radicals would only support a Ministry which did justice to Ireland; and the necessities of the Government, therefore, compelled them to deal with Irish questions. There was one Irish question, to which attention had been only recently directed, on which immediate legislative action was necessary. Agitation was the eternal occupation of Irishmen. Agitation had taught them to combine; and the Irish, instead of associating like other nations for industrial purposes, united for the purpose of securing some political object. The Catholic Association was indeed, nominally put down; but Catholic Ireland was still organised, and still contributing a considerable income to the central committee, which was directed by O'Connell, in Dublin.

Irish associations

[1] *Chancellors*, vol. viii. p. 477. [2] See *ante*, vol. ii. p. 624.
[3] *Hansard*, vol. xxxi. p. 92.

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Orange Lodges.

O'Connell had no objection to associations of his own supporters. But he had no tolerance for the organisation of his opponents. Irish Protestants had arrayed themselves, from one end of Ireland to the other, in Orange Lodges. Originally formed, in the closing years of the last century, to protect the Protestants of Ulster against the encroachments of the Roman Catholics, the Orange Lodges had gradually increased in number and importance. The leading politicians of the time looked favourably upon organisations which were instrumental in supporting their own policy; and the laws against associations which were in force in Ireland were not applied to the Orangemen. Protestantism, however, throughout the first twenty years of the nineteenth century was continually in the ascendent; and the Orange Lodges languished under the enervating influence of success. It required the opposing force of Roman Catholic organisation to infuse vigour into their proceedings. Every fresh victory won by Grattan in Parliament, every fresh advance made by O'Connell in Ireland, added to the number and the strength of the Orange faction.

Allusion has already been made in a previous chapter of this work to the surprising power which the Orange Lodges thus attained. All Ireland was divided into two parties; and Protestants and Roman Catholics watched each other, prepared on the slightest encouragement to commence a struggle, which might have deluged Ireland with the blood of her children. The Tory Ministry of 1825, alarmed at this state of things, persuaded Parliament to pass a law to put down all associations. The Act which was thus passed was not very successful. It expired in 1828; and the slight check, which its existence had imposed on the organisation of secret societies, was removed. The Catholic Association renewed its agitation. The Orangemen increased their lodges.

In numbers the Roman Catholics had the advantage. They were recruited from a population which included three-fourths of the Irish nation. But, in influence and organisation, the Orangemen were at least their equals. The Duke of Cumberland was Grand Master of the order; Lord Kenyon, Deputy Grand Master in Great Britain; Lord Enniskillen, Deputy Grand Master in Ireland; and two members of Parliament, Henry Maxwell, who sat for Cavan, and Alexander Perceval, who sat for Sligo, were Grand Secretary, and Grand Treasurer. Perceval had held office under Peel; but he was not the only official who had taken the Orange oath. Goulburn was an Orangeman when he was Chief Secretary for Ireland. No one could expect that the law against secret societies would be enforced when Princes of the blood and Cabinet ministers set an example in disobeying it. The Orange Lodges spread rapidly. There were from 1,500 to 1,600 lodges in Ireland alone. These lodges probably included from 150,000 to 160,000 Orangemen. But Orange Lodges were not confined to Ireland. They were established in various parts of Great Britain; they had branches in Canada; and thirty to forty regiments of the line had lodges instituted on the authority of warrants from the Grand Lodge.[1] The organisation was alarming enough from the number of its adherents; it was still more alarming from the nature of its rules. The admission of an Orangeman was accompanied by a religious ceremony obviously designed to impress an ignorant and untutored intellect. No Orangeman was admitted to a lodge under eighteen years of age, and every Orangeman was liable to active service at the call of the Grand Master.[2]

The Orange Lodges were naturally enthusiastic at the change of Government in the closing weeks of 1834. The change had been warmly promoted by their Grand

[1] *Hansard*, vol. xxx. pp. 59, 61, 66, 272, 293. [2] *Ibid.*, pp. 62, 63.

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Master; it had brought their Grand Secretary into political office. Numbers of Orangemen framed congratulatory addresses to the King, and received satisfactory answers to their loyal demonstrations. These addresses produced very different consequences from those which their originators had anticipated. Radicals and Whigs, angry at their own exclusion from office, complained that the Tory ministers were recognising illegal societies and encouraging the organisation of secret lodges.[1] At last, on the 23rd of March, Finn, the member for Kilkenny, brought the subject before the House, and asked for a select committee to enquire into it. The folly of the Orangemen gave him only too good a justification for this course. Orange juries were preventing justice by declining to convict Orange prisoners; and one set of jurymen exposed themselves to the memorable reproof of Chief Justice Bushe: 'That is your verdict, gentlemen of the jury: thank God, it is not mine.' Orange noblemen, as bigoted, and perhaps almost as uneducated, as the jurymen, were using inexcusable language at public meetings. 'It is to ourselves,' said one of these wise senators to an ignorant crowd of Orangemen, 'that we are indebted to meet this day in the broad face of heaven; and, if Protestants be not united together, we have nothing to hope for short of hearing the tinkling of bells calling our enemies to another Sicilian Vespers commemorative of the occasion when Papists rose and massacred every Protestant they could lay their hands upon.'[2]

They are attacked in Parliament.

Roman Catholics were naturally indignant at a state of feeling which enabled even irresponsible noblemen to indulge in abuse of this character; they were naturally angry at a system which had suppressed the

[1] Goulburn acknowledged the addresses, saying that the King had received them in the most gracious manner. Some addresses from Whigs were at the same time acknowledged, without the addition of a gracious reception. *Hansard*, vol. xxvii. pp. 147, 148.

[2] *Hansard*, vol. xxvii. pp. 137, 139.

Catholic Association, and which left the Orange Lodges undisturbed. The Orangemen themselves saw that they had no chance of resisting the inquiry which Finn was demanding. They determined, therefore, to take the bold course of supporting his motion themselves. A committee was, of course, appointed; and the struggle, which had been thus dexterously avoided in the House, was transferred to the Committee Room. There the Orangemen had a numerical advantage. The Roman Catholics desired to place Ward, the originator of the appropriation clause, in the chair. The Orangemen selected Mr. Wilson Patten, the member for Lancashire.[1] Under Mr. Wilson Patten's guidance the committee was occupied for the greater part of the session in taking evidence. Its members reported the evidence which they thus received on three separate occasions to the House.[2] Before their third report was presented Hume introduced a string of eleven resolutions complaining of the formation of Orange Lodges in the army. The debate was very damaging to the character of the Duke of Cumberland. The Duke's brother, the Duke of York, had withdrawn from the Grand Mastership of the Orange Lodges on being told of their illegality; and yet the Duke of Cumberland had accepted the office.[3] The Duke of York, again, as Commander-in-Chief, had forbidden the formation of Orange Lodges in the army;[4] the Duke of Cumberland had signed warrants for their formation. The friends of the Duke declared that he was ignorant of the use to which these warrants had been applied. The Duke, they said, was in the habit of signing blank warrants, and was ignorant of the purposes for which they were used. These excuses did

The Orange committee of 1835.

[1] *Hansard*, vol. xxxi. p. 336.

[2] The report will be found in vols. xv. and xvi. Parliamentary Papers, session 1835.

[3] *Report on Orange Lodges of Great Britain and Colonies*, Parliamentary Papers, session 1835, vol. xvii. p. vi.

[4] *Hansard*, vol. xxx. p. 79.

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not satisfy the Duke's numerous critics. They concluded that his Royal Highness was perfectly well acquainted with the purposes to which the warrants were applied.[1]

Radical politicians were not ill-pleased at the opportunity which was thus afforded them of attacking the least popular and least reputable member of the Royal family. Responsible statesmen, however, who were either in enjoyment of office or candidates for it felt the inconvenience of censuring the King's brother. At the suggestion of Russell the debate was adjourned for a week, in order that the Duke might have the opportunity of explaining his conduct.[2] At the adjourned debate an address was carried reprobating the formation of Orange Lodges in the army. The King undertook, in reply, to discourage and prevent them;[3] and a circular was issued by the Commander-in-Chief ordering the trial by court-martial of any officer or soldier who belonged to an Orange Lodge.[4]

This success, however, did not satisfy the Radicals and the Irish. Mr. Wilson Patten's committee had merely investigated the subject so far as it affected Ireland; and the Ministry, on Hume's motion, assented to the appointment of a new committee to enquire into the Orange Lodges in Great Britain and the colonies. The motion was agreed to; and the committee at once commenced its labours, and succeeded in collecting a good deal of information. The Orangemen, however, no longer courted an enquiry into their institutions. They resisted, in repeated divisions, the appointment of the committee. Their Grand Master, the Duke of Cumberland, refused to give evidence; and their Deputy Grand Secretary, Lieut.-Colonel Fairman, refused to produce the records of the society.[5]

The enquiry extended to the colonies.

[1] *Hansard*, vol. xxx. p. 84.
[2] *Ibid.*, pp. 100, 109.
[3] *Ibid.*, p. 559.
[4] Parliamentary Papers, session 1835, vol. xvii. p. xxvi.
[5] Lieut.-Colonel Fairman was or-

The Orangemen had no grounds for congratulating themselves on the results of the enquiry. They had been forbidden to extend their organisation into the ranks of the army. Common prudence suggested that they should desist from measures calculated to provoke their antagonists, and that they should use their influence to procure the compliance of their friends with the orders of the Commander-in-Chief. The intemperate politicians, however, who regulated the policy of the Orangemen were in no mood for moderate measures. Instead of deferring to the judgment of the committee they employed themselves in attacking the impartiality of its members. Instead of submitting to the orders of the Horse Guards the Duke of Cumberland set an example of disobedience by continuing Grand Master. This conduct only courted a fresh assault from their opponents. On the 12th of February, 1836, when the session was hardly a week old, Finn renewed his attack.[1] On the same night Hume, on the pretext of obtaining a return of all the officers who had been dismissed from the army since 1815, criticised severely the foolish conduct of the Duke of Cumberland. Hume obtained the return which he required; but Finn's debate was adjourned to the 23rd of February. It was renewed on that day by Hume, who desired to address the Crown for the removal of every judge, privy councillor, lord lieutenant, magistrate, militia officer, inspector, or constable who attended the meeting of any Orange Lodge, any Ribbon Lodge, or of any other political club.[2] The proposal was extravagant. Its adoption was averted by the moderation of Russell. He showed the grave objections to agreeing to an address which suggested the

Renewed attack on the Orange Lodges in 1836.

dered to produce these records by the House. *Hansard*, vol. xxx. p. 695. He again declined, and the Serjeant-at-Arms was ordered to seize the book, and to apprehend Lieut.-Colonel Fairman. *Ibid.*, p. 778. Colonel Fairman succeeded in evading the Serjeant-at-Arms, and was never apprehended. *Ibid.*, p. 803.

[1] *Hansard*, vol. xxxi. p. 332.

[2] *Ibid.*, p. 810.

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removal of judges from their high office; he dwelt on the serious inconveniences which resulted from the formation of secret societies; he proved that the Government had uniformly resisted the organisation of the lodges; and he asked the House to leave his Majesty to take such measures as he might deem 'advisable for the effectual discouragement of Orange Lodges and generally of all political societies.'[1] His temperate speech conciliated all parties. The Orangemen themselves expressed their readiness to comply with the wishes of the Crown.[2] The address was carried without a dissentient voice.[3] The King, in reply, expressed his firm intention to discourage all such societies in his dominions.[4] The Duke of Cumberland could no longer venture to disregard the wishes of his brother and the decision of the Legislature.[5] The Orange Lodges were everywhere broken up; and the formidable organisation, which threatened the peace of every portion of the empire, was terminated.

The lodges dissolved.

One Irish question had received an unexpectedly satisfactory solution. But there were two other questions which were ripe for settlement. Both of the great parties in the State were committed to a measure of tithe reform. Both of them admitted the necessity of supplementing the English Corporation Act with some regulations for Irish municipalities. The same measures had been taken in Ireland which had been adopted in England to pave the way for a Corporation Bill. Itinerant commissioners had been appointed to enquire into the condition of the Irish municipalities. The same abuses which had been disclosed by the English commission had been revealed by the Irish commissioners.

Irish corporations.

[1] *Hansard*, vol. xxxi. p. 832.
[2] *Ibid.*, pp. 838, 849.
[3] The Orangemen wished to exclude from it all mention of Orange Lodges by name, but they did not press their views to a division. *Ibid.*, p. 861.
[4] *Ibid.*, p. 870.
[5] *Ibid.*, pp. 947, 1280.

Irresponsible, self-elected municipalities governed every considerable Irish town. They appropriated the property of the borough to their own use or to the use of the borough patrons; they maintained the supremacy of the Protestants by declining to place any Roman Catholic on the corporation. As, however, the supremacy of their own political friends was the main object of these corrupt bodies, many of the municipalities, deprived at the Union of representation, gradually ceased to exist. A municipality which had no property to divide among its corporators, and no representative to confer money upon them or obtain office for them, was not worth preserving.

Dublin was the most important of these unreformed corporations. The Government of Dublin was modelled on the British Legislature. It consisted of two chambers. The Lord Mayor and Aldermen sat in one chamber. The Sheriffs and Commons in another. The Commons were composed of two classes—the Sheriff's Peers, or those persons who had either served the office of Sheriff or had paid a fine of 500*l.* for not serving, and ninety-six members elected by the trade guilds. The Sheriff's Peers might be compared with county members, the other members of the Common Council with the representatives of rotten boroughs. The Common Councilmen were all chosen from a particular class; there was no Roman Catholic among them. The Common Council of Dublin, in fact, took a pride in excluding every Roman Catholic from their body on avowed principles of sectarian distinction.[1] The same abuses existed in almost every Irish municipality.

Tuam was the only town in Ireland in which there was a majority of Roman Catholics on the Governing Council. Limerick had a population of 66,000 souls,

[1] See the *Reports on Irish Corporations*, Parliamentary Papers, session 1835, vols. xxvii. and xxviii. See especially vol. xxvii. pp. 16, 19.

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and only 271 corporators; Maryborough had 5,000 people and 9 corporators; Cashel, 7,000 people and 38 corporators. The people of Cashel were suffering from a want of water. There was no difficulty in providing an adequate supply at a cost of 2,000*l.* or 3,000*l.*; and the Corporation owned property in the neighbourhood which was worth at least 2,000*l.* a year. The Corporation, however, would not waste its property in providing the town with water. The property was let to the members of the Governing Council for as many hundreds as it was worth thousands.[1]

The Irish Municipal Bill.

Reform in Ireland was thus at least as necessary as reform in England. O'Connell, when the English Corporation Bill was introduced, declared that the chief deficiency in it was the omission of one word—Ireland. The Government undertook to remove his objection by introducing an Irish measure.[2] The task was entrusted to Perrin, the Attorney-General for Ireland, who had presided over the Irish commission. The bill was introduced on the 31st of July. It was read a third time and passed on the 17th of August, 1835. The Ministry, however, satisfied with its progress, did not attempt the hopeless task of pushing it through the Lords; and the measure was quietly dropped.[3] Its consideration was commended to Parliament in a striking paragraph of the Royal Speech of 1836. 'I entertain a hope,' said the King, 'that it will be in your power to apply to any defects and evils which may have been shown to exist' in the Irish municipal corporations 'a remedy founded upon the same principles as those of the Acts which have already been passed for England and Scotland.' This clumsy paragraph excited the indignation of the Conservatives. It was the province of the Crown, they argued, to refer matters to the

[1] *Hansard*, vol. xxix. pp. 1292–1296.

[2] *Ibid.*, vol. xxviii. pp. 573–575.

[3] *Ibid.*, vol. xxix. p. 1326; and vol. xxx. p. 618.

Legislature. It was beyond its province to dictate or suggest the principles on which the Legislature should deal with them. They could not submit to this grave innovation on the liberties of Parliament. Instead, therefore, of re-echoing the King's words in the address to the throne, they desired only to commit themselves 'to such remedies as may obviate just causes of complaint and insure the impartial administration of justice.' The amendment, moved by Wellington himself, was carried in the Lords without a division.[1] But the success which the Conservatives thus achieved in the Lords was dearly purchased by their marked discomfiture in the Commons. Against his better judgment Peel was induced to propose the amendment which Wellington had carried, and was beaten by 284 votes to 243. The ministers had never previously obtained so decisive a majority on a great subject, and naturally felt themselves strengthened by the victory which had been thrust on them by their own opponents.[2]

This foolish move was productive of the worst consequences to the Conservatives. The Irish bill was introduced on the 16th of February; it was read a second time on the 29th. It converted the governing bodies of every municipality into elected councils. In the seven largest Irish boroughs the electors were to consist of 10*l.* householders; in the other boroughs, of 5*l.* householders. The qualification of a councilman in the seven largest boroughs was to be the possession of 1,000*l.*, in the other boroughs of 500*l.* The councillors who received the greatest number of votes were to be aldermen; one-half of the aldermen were to retire triennially; and one-third of the councillors were to go out of office once a year.[3] Such were the main features of the Ministerial scheme. The Opposition, attached as

Its details.

[1] *Hansard*, vol. xxxi. pp. 13, 21.
[2] *Ibid.*, pp. 47, 104. *Greville*, vol. iii. pp. 334, 336.
[3] *Hansard*, vol. xxxi. p. 1042.

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they were to old institutions, could not deny the necessity of sweeping away the corrupt bodies which were abusing their privileges in the Irish boroughs. They contented themselves by objecting to the institution of elected councils in their room. Ireland, they argued, was not ripe for local government. The Irish Constabulary was appointed by the Lord-Lieutenant. Justice in Ireland was administered by assistant barristers. By these and other methods the British Legislature had shown that Ireland could not be governed on the principles applied to England. The proper course with Irish municipalities was to subject them to sheriffs or magistrates appointed by the Crown, and to entrust their property, which might be reduced to insignificance by the abolition of tolls, to commissioners appointed by the central government.[1] The last relics of self-government were, therefore, to be taken away from the wretched country which had been subject for five centuries to the infamous rule of its British masters; and these views, suggested by Peel, were supported by the entire strength of the Conservative party. Fortunately for Ireland, the proposal only brought fresh discomfiture on the Conservatives. An instruction to the committee, moved by Lord Francis Egerton, to give effect to them was rejected by 307 votes to 243.[2] The Conservatives had only succeeded in mustering the same number of members which they had collected to support their amendment on the address. The Liberal majority had increased from 284 to 307 votes.

The victory which the Liberals had thus secured facilitated the future progress of the measure. The bill went through committee without any serious opposition. The Conservatives ventured on opposing the third reading, but they were again defeated by 260 votes to 199.[3]

[1] *Hansard*, vol. xxxi. p. 1316.

[2] *Ibid.*, vol. xxxii. p. 119. Lord Francis Egerton was the Lord Francis Leveson Gower of Canning's Ministry.

[3] For the committee see *ibid.*, pp.

The bill radically altered in the Lords.

The experience of 1835, however, clearly proved that danger was not to be apprehended from the House of Commons. The hopes of the Conservatives, the fears of the Whigs, were concentrated on the Lords; and there were no grounds for believing that the peers would be more reasonable in 1836 than they had proved themselves in 1835. In the former year, indeed, Lyndhurst had been powerless for evil, because he had separated himself from Peel. In 1836 he had the advantage of adopting the policy which Peel had advocated in the Commons. Like Peel he declared the existing corporations indefensible: he accepted the proposal for their destruction, but he declined to substitute for them the new corporations which the Ministry had suggested. The new governing bodies would place a majority of Radicals on every municipality, and the 'town councils would inevitably settle down into seats of agitation for their own and party purposes.' Like Peel and Egerton, therefore, Lyndhurst refused to substitute new corporations for the governing bodies which the bill destroyed.[1] His views were formally embodied on the 26th of April in an instruction to the committee 'to make provision for the abolition of corporations, and for such arrangements as may be necessary, on their abolition, for securing the efficient and impartial administration of justice, and the peace and good government of cities and towns in Ireland.' The instruction was entrusted to Lord Fitzgerald and Vesci. It was carried by 203 votes to 119.[2] In accordance with it the committee gradually altered the bill into a measure 'for the abolition of municipal corporations' in Ireland. In this shape it was read a third time and passed on the 18th of May, and returned to the Commons.[3]

Irish members were naturally indignant at these

254, 497, 514. For the third reading, *ibid.*, p. 653. For the division, *ibid.*, p. 747.

[1] *Ibid.*, pp. 1119, 1129, 1136.
[2] *Ibid.*, vol. xxxiii. pp. 233, 306.
[3] *Ibid.*, vol. xxxiii. pp. 1043, 1061.

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proceedings. 'The alterations made by the Lords,' said Smith O'Brien, the representative of the great Roman Catholic county of Limerick, 'were a direct insult to his country.' 'We will have Lord Lyndhurst's bill kicked out,' was O'Connell's language in a letter to the 'Chronicle.' The ministers, however, less intemperate than their extreme supporters, were willing to meet the Lords half-way. They offered to consent to the abolition of corporations in the smaller towns, on condition that the twelve largest towns in Ireland were afforded the advantage of self-government. With the view of reconstructing the bill in this way, Russell, on the 9th of June, moved that the House should disagree with the Lords' amendments.[1] After two nights' debate the motion was carried by 384 votes to 232,[2] and the bill was altered accordingly. But the peers refused to give way. The Ministry did not feel strong enough to insist on their submission; and the bill which had caused such differences, and which had occupied so much time, was accordingly postponed.[3]

The bill is lost.

Victory was with the Lords; but the Ministry, notwithstanding its defeat, had acquired increased strength during the struggle. Moderate men of all parties had sympathised with its wish to preserve some traces of autonomy for Ireland; and the Whig majority in the Commons had consequently increased at almost every successive step. Public opinion, however, was less clearly pronounced on another great Irish question. It was inevitable that Melbourne's Ministry should bring forward a Tithe Bill. An unexpected circumstance made a Tithe Bill more necessary than ever. Up to 1835 the Irish clergy had been unable to enforce payment of their tithes. At the end of 1835 the ingenuity

Irish tithes.

[1] The motion technically was that the Commons should disagree with the amendments to the 4th clause, but the effect was that stated in the text. *Ibid.*, xxxiv. p. 237.

[2] *Ibid.*, p. 405.

[3] *Ibid.*, pp. 964, 1053, 1107.

of a few lawyers provided them with a formidable machinery for enforcing it. A Lay Association was formed for the protection of the Established Church, and the association busied itself with bringing actions for the recovery of tithes. A clergyman had legally two methods for recovering them. He could bring a simple and inexpensive action before a magistrate, or he could institute costly and complicated proceedings in the Court of Exchequer. The association, bent on overcoming the resistance to the payment of tithe, determined on resorting to the complicated process. Upwards of 600 bills were filed for sums varying from 10*l.* to 1*s.* 9*d.*; and the Court ordered the payment of the amounts, with the heavy costs which attached to the proceedings. The Court was met with the customary difficulty that no one was able to enforce the orders which were thus made. The association, however, had an expedient in readiness for overcoming this difficulty. In Ireland the Court of Exchequer had the power, on a sworn affidavit that process could not be served, to issue a writ of rebellion. The issue of this writ superseded the necessity of serving the order of the Court in the usual way. Notice of service could be posted in any convenient place; and the debtor could be seized and kept in prison till he obeyed the order. The Lay Association, reverting to this obsolete process, obtained a writ of rebellion against a defaulter. The writ was issued to an obscure Orangeman, who at once called in the aid of the police. The police, acting on an order made by the Irish Government when Joy, the Chief Baron of the Exchequer, was Attorney-General, refused to interfere; they were now directed by Joy, as Judge, to execute the writ. The miserable Irish were thus placed at the mercy of an irresponsible association.[1]

Exchequer processes.

Writs of rebellion.

[1] *Hansard*, vol. xxxi. p. 565. *Ann. Reg.*, 1836, Hist., p. 295; and *ibid.*, Chron., pp. 8–11, where the proceedings in the Irish Court of Exchequer are reported.

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These proceedings ought to have made all parties anxious to settle the tithe question. Unfortunately, the disputes of the previous years made it almost impossible to effect a settlement of it. The Tories would pass no bill which appropriated any portion of the revenues of the Church. The Whigs would pass no bill without an appropriation clause. The second reading of the measure, which was introduced by Morpeth on the 25th of April,[1] was carried on the 3rd of June, after three nights' debate, by 300 votes to 261.[2] A month afterwards, on the 4th of July, the appropriation clause was only retained by 290 votes to 264.[3] The Tories were naturally elated by this division.[4] The peers were encouraged a second time to recast the bill. The Commons refused to accept the Lords' amendments;[5] and the tithe system of Ireland was, for a third year, left unreformed. The miserable Irish peasantry were left at the mercy of the Lay Association.

The Tithe Bill lost.

Tithes in England.

The continuous agitation on the subject of Irish tithes had produced one effect for which the Tories were hardly prepared. The attention of English agriculturists had been drawn to the exactions to which they themselves had submitted, and which were interfering with the development of agriculture. A landlord might naturally hesitate to spend large sums of money in making two blades of wheat grow where one only grew before when one-tenth of the increased produce was allotted to the rector's tithe-barn. The discouragement to agriculturists was not, however, the worst result of the tithe system. The existence of tithes produced jealousies and quarrels in every parish. They raised in many cases an impassable barrier between the pastor and his flock. They injured the usefulness of the clergy-

1 *Hansard*, vol. xxxiii. p. 205.
2 *Ibid.*, vol. xxxiv. p. 117.
3 *Ibid.*, p. 1259.
4 *Greville*, vol. iii. p. 353.
5 *Hansard*, vol. xxxv. pp. 515, 855.

men who supported the system as much as they fettered the operations of the farmer who opposed it.

There are few things more discreditable in English history than the gradual development of the tithe system. Tithes in England were originally granted for four purposes—the support of the bishop, of the clergy, of the poor, and of the Church fabric.[1] The bishops gradually acquired ample endowments, and were prohibited from demanding tithes; the maintenance of the poor and the repair of the Church were thrown on the rates; and the whole tithe, instead of one-fourth of it, was appropriated to the clergy, or rather to the parson. The parson, however, usually employed a vicar or curate to discharge the real duties of his parish, assigning to the vicar the tithes which were the least easily claimed or which were the least valuable. In consequence a distinction gradually accrued between the vicarial and small tithes and the rectorial or great tithes. The parson or rector was, in many cases, the abbot of a monastery. The monasteries constantly purchased the advowsons of livings; and when the monasteries were dissolved the Court assigned their property to the great noblemen who happened to be the favourites of the monarch. These men thus became in many instances possessed of the property which the piety of previous generations had assigned to the Church and the poor, and were known as lay impropriators.[2] In course of time England could thus boast of the richest Church and the richest aristocracy in the world. The wealth both of Church and aristocracy was, in many cases, due to misappropriations which later generations would have described as frauds.

A reformed Parliament had, from the first, displayed

[1] This was also the ancient division of the ecclesiastical revenues of the Early Christian Church. See Gibbon's *Decline and Fall*, chap. xx.

[2] *Blackstone*, vol. i. pp. 370–395.

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considerable anxiety to deal with tithes. In 1833 Althorp brought forward a measure for settling the tithe question. The bill encouraged a permissive composition between the tithe payer and the receiver; it enabled either of them, when they failed to agree, to enforce an arrangement. Valuators were to be appointed by the bishops and magistrates in quarter sessions to ascertain the amount of tithe actually paid in each case; and the tithe was to be commuted for a perpetual corn rent calculated on the price of various kinds of grain. The measure was not passed; and, in 1834, its author again proposed a modified bill with the same object. The scheme of 1833, he thought, would have given an advantage to the tithe receiver who had exacted the full amount of his tithe, and would have been unfair to the more generous owner who had been liberal to the tithe payer. He, therefore, decided on abandoning his previous plan, and on making the tithe vary with the rent or real value of the land. The tithe payer was to be at liberty to redeem his tithe at twenty-five years' purchase; and the limited owner was to be empowered to charge his estate for the purpose of effecting the redemption.[1] The amended bill of 1834 had no better success than the original proposal; and, on Peel's accession to office, the question was still unsettled. On the 24th of March, 1835, Peel brought forward a proposal for settling it. There was every disposition, so he thought, among tithe owners and tithe payers to arrive at a voluntary agreement. The tithes had already, in fact, been commuted for a fixed payment in a thousand parishes under the authority of private Acts. Private Acts, however, were costly luxuries, which none but the wealthy could afford. Peel desired to substitute for them a general law, under

Althorp's Tithe Bills.

Peel's Tithe Bill.

[1] For Lord Althorp's proposals see *Hansard*, vol. xvii. p. 273; vol. xix. p. 377; and vol. xxii. p. 818.

which the tithes could be voluntarily commuted in every parish. To facilitate their commutation he proposed the appointment of a central commission, with itinerant assistant commissioners. An assistant commissioner might attend every meeting of tithe payers and tithe owners, might explain the law, and might assist both parties in arriving at an agreement. The tithe, he proposed, should be commuted for a perpetual corn rent, subject to periodical revision.[1]

Peel's Tithe Bill fell with the other measures of his Administration, and no further measure was introduced till 1836 to deal with the subject. In the interval, however, a curious decision of the Court of Exchequer aggravated the existing difficulty. The tithe owner was entitled to one-tenth of every growing crop, and to one-tenth of the produce of the farmer's flocks and herds; but he was not entitled to a tenth of the food on which the cattle and sheep were pastured. A farmer, for instance, was liable to tithe on turnips; but, if he turned his sheep into the turnip-field, he paid the tithe on the sheep: the turnips were exempt from tithe. In well-ordered farms, however, the farmer refrained from turning his flock into a field; he enclosed a portion of the field, pecked the turnips in the remainder of it, and threw them into the fold. An ingenious Sussex vicar considered that, as these turnips were thrown to the sheep, he could claim tithe on them. The claim was carried to the Court of Exchequer, and decided by Lyndhurst in the clergyman's favour. The Church had won a technical victory, and added one more claim to her intolerable exactions. But the victory was dearly purchased. Parliament, alarmed at the novel claim, passed at once a short Act to deal with the matter,[2] and

The tithe on pecked turnips.

[1] *Hansard*, vol. xxvii. p. 179.
[2] *Ibid.*, vol. xxix. pp. 256, 1074; and vol. xxx. pp. 802, 979.

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The Tithe Commutation Act of 1836.

the Ministry addressed itself seriously to the settlement of the tithe problem.

At the commencement of 1836 Russell introduced the new Tithe Bill. Like Peel, he decided on appointing a central commission to carry out the commutations. Unlike Peel, he determined on making the commutations compulsory. With this view the bill admitted of three courses. It encouraged the voluntary arrangement between tithe payers and tithe owners; it enabled the majority of tithe payers and tithe owners to bind the remainder; and in certain cases it empowered the commissioners to act alone. The value of the tithe was to be computed on the average value of three cereals —wheat, barley, and oats—during the seven preceding years; and the commutation awarded to the tithe owner was to be not less than 60 per cent. and not more than 75 per cent. of the nominal gross value of the tithe.[1] The measure which was thus introduced was ultimately passed almost in its original shape. In the course of a few years the commissioners succeeded in awarding a commutation in every parish; and the payment of tithe in kind ceased in England.

This result was ultimately beneficial both to the agriculturists and the Church. Owners and occupiers freed themselves from a charge which had risen with the increasing yield of the soil, which had been collected in a most vexatious manner, and which had stereotyped ignorance by discouraging improvement. The Church exchanged a certain income for an uncertain impost, which had made the parson of the parish an object of dislike to some of his most influential parishioners. The Church however, enjoyed other distinctive privileges, which, like the tithe-barns, solitary relics of past ages, were gradually crumbling away in the atmosphere of

[1] *Hansard*, vol. xxxi. pp. 185–197. This part of the bill was subsequently modified. *Hansard*, vol. xxxiv. p. 593.

modern thought. Up to the year 1836 marriage was a religious ceremony, which, except in the case of the Quaker or of the Jew, could legally be performed by a clergyman of the Church of England alone. The clergyman of the Church of England, moreover, kept the parish register, and all baptisms, marriages, and burials were registered by him. The monopoly which the Church thus enjoyed was the more remarkable, because a more liberal system had prevailed until the middle of the previous century. Dissenters had then been at liberty to celebrate their marriages in their own chapels, without submitting to the ritual of the Church. Their privileges were abridged by the Marriage Act of 1753. In 1753, however, Dissent was an obscure and powerless element in the community, which was only gradually acquiring the cohesion of any large number of persons. Before the end of the century the Dissenters had become the chief movers in every religious question. A dull torpor oppressed the Church; a cloud of scepticism shrouded the upper classes; and Dissent, confirmed in its faith by Wesley and his fellow-workers, and strengthened by the assurance which it thus acquired, boldly pushed its missionaries throughout the length and breadth of England, and numbered its converts in every part of the island.

The Marriage Law.

Dissent had become a great force; and the Dissenters, conscious of their power, naturally clamoured against the disabilities which the Legislature imposed on them. They compelled a reluctant Parliament to repeal the Test and Corporation Acts in 1828; they forced the Crown to confer a charter on the London University in 1835; and they besieged the Legislature with petitions for the removal of their other grievances. The law of marriage was the most offensive of these: it was especially offensive to one sect of the Dissenters. The Church required every man who was married to

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make a distinct declaration of his belief in the Trinity. 'With this ring I thee wed, with my body I thee worship, with all my worldly gifts I thee endow: in the name of the Father and of the Son and of the Holy Ghost.' Such a declaration seemed to a Unitarian flat blasphemy. The mainspring of his simple faith was a belief in the unity of the Deity; and the introduction of the Trinity into a solemn service was as repugnant to him as an invocation to saints would have been to a member of the Church of England. For seventeen years the Unitarians had ineffectually endeavoured to get their grievance removed. In 1819 and in 1822 William Smith, the friend of Wilberforce, and the chief representative of the Dissenters in the House of Commons, asked for the simple omission of the offensive words from the marriage service.

William Smith's Marriage Bills.

Smith's proposal was rejected by an intolerant Parliament;[1] and in 1823 the conduct of the matter was transferred to other hands. Lansdowne desired the same object which William Smith had in view, but he generously proposed a wider measure of relief than that which Smith had introduced. Instead of confining himself to the mere omission of some objectionable words he proposed that the Dissenters should be allowed to celebrate their marriages in their own chapels, paying, however, fees to the parish clergyman, and having their banns asked in the parish church. The proposal led to one of the most memorable of the many displays of intolerance which were witnessed in the first thirty years of the present century. Old Eldon, arguing violently against any relief to the Unitarians, declared that it was penal to deny the doctrine of the Trinity. His vigorous eloquence procured the rejection of the measure of relief which Lansdowne had introduced.[2] His offensive

[1] *Hansard*, First Series, vol. xl. pp. 1200, 1503; Second Series, vol. vi. p. 1460.

[2] *Ibid.*, vol. ix. p. 967; and vol. xi. pp. 75, 79, 434.

statement was the first note of the knell which was to sound the downfall of Church supremacy.

In 1827 William Smith introduced another measure of relief. He abandoned the proposals which he had made in 1819 and 1822, and which Lansdowne had substituted for them in 1823, and simply desired to authorise the celebration of civil marriages. His bill passed the Commons; but it was rejected by the Lords. The peers had the satisfaction of refusing a mild measure of relief; but their satisfaction was only shortlived. In 1827 they had refused to allow the Dissenters to celebrate their marriages in their own way; in 1828 they were obliged to repeal the Test and Corporation Acts. The Dissenters, satisfied with the greatness of their victory, forebore from pressing for a revision of the marriage law; and the task of revising it was consequently reserved for a Reformed Parliament. In 1834 Russell introduced a bill to enable Dissenters to marry in their own chapels (which were to be licensed for the purpose), after the publication of their banns in the parish church. The proposal did not satisfy the Nonconformists. Some of them objected to a law which compelled every marriage to be celebrated in a place of worship. The majority of them objected to the recognition of Church supremacy, implied by asking the banns in church.[1] The bill was not proceeded with; and, in the following year, Peel endeavoured to deal with the question. His proposal was in advance of that of Russell. He had the courage to recommend that marriage should be a civil contract. So far his measure was accepted with gratitude by the Dissenters. It failed to satisfy them completely, because it compelled the registry of the marriage with the clergyman. The church seemed the only place available for the registry, and Peel accordingly thought himself forced to have recourse to it.[1]

Russell's Marriage Bill of 834.

Peel' Marriage Bill of 1835.

[1] *Hansard*, vol. xxi. pp. 776, 1400; and vol. xxvi. pp. 1073, 1118.

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Peel's bill was naturally dropped after the fall of his Administration; and Russell again addressed himself to the settlement of the question. Peel and he had both evidently failed because they had provided no convenient place for the registry of marriages. The Dissenters' grievance, it was thus continually becoming plain, could not be properly redressed unless some convenient registration machinery were devised. Machinery for the purpose had already been suggested by two independent members in 1833 and in 1834.[1] Since 1834 the Poor Law had introduced a new staff of officers in every district of the kingdom; Russell suggested that one of these officers should be made registrar for each union; that he should report to a central registry in each county; and that the county registrars should in their turn forward the information which they acquired to a registrar-general in London. He proposed that the cost of the central office should be defrayed by the country; and that the local officers, who were to be remunerated by fees, should be paid by each union. The measure which was thus brought forward facilitated the work of amending the marriage law. Russell proposed that banns should be retained, but that persons desirous of being married without banns should give notice to the registrar; that their names should remain in a notice-book open for general inspection for twenty-one days; that, at the expiration of that time, they should be married in the church or in the chapel, or before the superintendent registrar.[2] The bill applied to the Roman Catholic as well as to the Dissenter. It effectually terminated one of the great grievances which had arisen from the monopoly of the Church. A Tory member, indeed, the representative of country clergy-

The Marriage Act of 1836, and the Registration Act.

[1] *Hansard*, vol. xvi. p. 1209; and vol. xxiii. p. 940.

[2] For the Registration Bill see *Hansard*, vol. xxxi. p. 367. For the Marriage Bill, *ibid.*, p. 374.

men, objected to the Registration Bill because it disassociated the naming of a child from the ceremony of its baptism.[1] An intolerant prelate objected to the Marriage Bill because it enabled members of the Church to contract a marriage without a religious ceremony. Even the House of Lords turned a deaf ear to these arguments. It was daily becoming clearer that it was more necessary to remove the grievances of a numerous section of the community than to preserve the privileges of a selfish class; and the Church was compelled, in consequence, to surrender one more symbol of its supremacy, and to give up the proud and indefensible position which it had so long occupied.

The changes which were thus made were undoubtedly attributable to the freer atmosphere of the political world. Resisted by the Lords, tardily conceded by the Commons, they had from the first been encouraged by the more enlightened portion of the press, and even professed politicians had been unable to withstand the reiterated arguments of the daily newspapers. The press, however, which was thus instrumental in effecting mild and beneficial reforms, was itself the victim of oppressive legislation. The paper on which the newspaper was printed was taxed, the advertisements which were inserted in it were taxed, and the newspaper itself was subjected to a heavy duty. This duty had been imposed for two reasons. Its originators had desired to increase the revenue of the State, but they had been even more anxious to curb the activity of the press. The tax, originally imposed upon newspapers, was extended to all periodical political publications by one of the Six Acts. The reasons for this extension were notorious. Cobbett had evaded the tax by excluding news from his 'Register'; and other writers, with less ability than

The newspaper tax.

[1] Goulburn, the member for Cambridge University. *Hansard*, vol. xxxiv. pp. 132, 1012.

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Cobbett, were disseminating seditious nonsense among the lower orders of the population. Even the Six Acts, however, did not settle the question. Some authorities thought that a paper which was not published at regular intervals did not come within the terms of the law, and was not liable to the tax. The severity of the duty, moreover, defeated its object. Just as the high Customs tariff promoted smuggling so the high stamp on newspapers encouraged the sale of unstamped papers. The risk of punishment was readily incurred for the sake of gain. Punishment, indeed, did not usually fall on the principal offenders. The Government shrank from advertising the unstamped papers by prosecuting their printers; and the penalties of the law were consequently reserved for ignorant old men and little children who hawked the publications through the streets. During the Grey Administration alone 400 or 500 persons were imprisoned for the offence.[1] These numerous prosecutions naturally created a strong feeling against the law. Educated men disliked the imposition of 'taxes on knowledge;' humane men were shocked at the punishment of poor and ignorant hawkers; while men of every class were gradually awakening to the conviction that the proper antidote to immoral and seditious works is the dissemination of cheap and loyal publications.

This conviction happened to be confirmed by experience. The ignorant masses of the community were yearning for instruction, and it occurred to a few good men that instruction could most easily be afforded them through the publication of some cheap and useful periodicals. Charles Knight, a London publisher, endowed with ability, advanced views, and a benevolent disposition, undertook to carry out the idea; and a committee was at once formed for the diffusion of useful knowledge.

[1] *Hansard*, vol. xxiii. p. 1197; and cf. vol. xxx. p. 844.

Some of the most remarkable men of the age allowed their names to be placed upon the committee. Brougham was its chairman; Althorp and Russell, the Cabinet ministers; Hallam, the historian; Denman, the Chief Justice; Bell, the physiologist; Lubbock, the astronomer; Shee, the Academician, served upon it. James Mill and Roget represented at its meetings the philosophy of a past age; Cornewall Lewis and Herman Merivale, Rowland Hill and his brother Matthew, the spirit of the rising generation. In 1832 the committee undertook the publication of the 'Penny Magazine.' The sale of a single issue of the magazine reached 200,000 copies.[1] In 1833 the society embarked on a more ambitious project, the publication of the 'Penny Cyclopædia.' The success of these periodicals proved that the public appetite for useful knowledge was large and general, and that cheap works, well and ably written, were certain of a ready sale.

The publications of the Useful Knowledge Society.

'Penny Magazines' and 'Penny Cyclopædias' were spreading useful information through the nation as it had never been spread before. Politicians were naturally reflecting that, but for the Stamp Acts, political knowledge could be spread in the same manner. The Stamp Acts made it difficult for anyone who was not a rich man to afford the luxury of a daily newspaper. The subscription to an ordinary paper amounted to rather more than nine pounds a year, a sum which a poor man could not possibly afford.[2] Radical politicians consequently de-

[1] *Life of M. D. Hill*, p. 81.

[2] The population of the United Kingdom in 1835 amounted to about 25,000,000, and under 36,000,000 of newspaper stamps were issued (McCulloch, *ad verb.* 'Newspapers'). Charles Buller (*Hansard*, vol. xxx. p. 850) placed the circulation at 35,000,000, and assumed that 20,000,000 weekly papers and 15,000,000 daily papers were circulated yearly. The 20,000,000 weekly papers would have supplied a weekly newspaper to 400,000 people; the 15,000,000 daily papers would have supplied a daily paper to rather less than 50,000 people. Assuming that each paper had ten readers, 4,000,000 persons, or one person in every six of the population, may possibly have had access to a weekly newspaper, and 500,000 persons, or one person in every five hundred, to a daily paper. At the present time three London journals alone—the

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sired to repeal or reduce the tax, and thus encourage the operations of the papers. This proposal was met by Althorp, in 1834, and by Spring Rice, in 1835, with the rejoinder that the revenue could not afford the change.

Bulwer Lytton advocates the reduction of the tax.

It was in vain that Bulwer Lytton, who was the chief advocate for reform, endeavoured to show that the reduction of the tax from fourpence to a penny, would involve no loss. The circulation of the newspapers, he argued, would be trebled by the change. The new penny duty would consequently produce three-fourths as much as the old fourpenny duty, and the residue of the loss would be more than compensated by the increased yield of the tax on advertisements and the excise on paper. The newspaper stamp yielded 450,000*l.* a year; and Spring Rice declined to sacrifice a certain revenue of this amount on the hypothetical calculation which Bulwer Lytton offered him. The newspaper tax was in consequence preserved; and its consideration deferred till another opportunity.[1]

It was obvious, however, that the consideration of the question could not be permanently postponed. Member after member rose to protest against the continuance of the tax; and Spring Rice was compelled to pledge himself to its repeal, so soon as the revenue could bear the loss of it. In 1835 the Treasury, on Spring Rice's showing, could not afford to abandon a single tax. The entire revenue of the year was placed at 45,550,000*l.*, the expenditure at 44,715,000*l.* Nominally there was a surplus of 835,000*l.* But the greater portion of this surplus, possibly the whole of it, was required to defray the charge of the West Indian Loan; and the revenue was, therefore, only just sufficient to

The Budget of 1835.

Daily Telegraph, the *Daily News*, and the *Standard*—sell more than 500,000 copies a day, or 3,000,000 copies a week. Their sale, therefore, in eleven weeks is as large as was the sale of all the papers in the United Kingdom in 1835 in a year.

[1] For Althorp's refusal see *Hansard*, vol. xxiii. pp. 1210, 1222. For Spring Rice's, *ibid.*, vol. xxx. pp. 623, 862. For Bulwer Lytton's speech, *ibid.*, p. 835; and cf. p. 841.

cover the expenditure of the country.[1] If Spring Rice's figures were correct there was no gainsaying the justice of his conclusion, that the Treasury could not afford to give up a single tax; and there were few economists in the House who would have ventured to impeach the veracity of Rice's statistics. There were greater financiers, there were better economists, there were abler statesmen, there were more eloquent orators than Rice in the House of Commons; but there was no one who could vie with him in figures. The speeches of the Chancellor of the Exchequer positively bristled with statistics; and figures were almost the only arguments which he ever condescended to use. His figures were available for every emergency. He had figures to prove that the Irish were prosperous. He had figures to prove that the poorer classes were not unduly taxed. A few men were so impressed with his statistics that they believed in his finance, and imagined that the Chancellor of the Exchequer was not merely a statistician but a statesman. They had still to discover that statesmanship requires higher qualities than the solution of a problem in the rule of three.

In 1835, however, Spring Rice's figures had saved the newspaper tax. In 1836 his figures chiefly proved the inaccuracy of his own estimates. In 1835 he had expected a revenue of 45,550,000*l.*, and he had received a revenue of 46,381,000*l.* He had anticipated an expenditure of 44,715,000*l.*, and he had expended 44,995,000*l.* Instead of a surplus of 835,000*l.* to

[1] The exact figures were as follows:

Revenue.	£
Customs	20,000,000
Excise	13,270,000
Stamps	6,980,000
Taxes	3,600,000
Post Office	1,500,000
Miscellaneous	200,000
	£45,550,000

Expenditure.	£
Debt	28,540,000
Consolidated Fund	2,040,000
Supplies	14,135,000
	£44,715,000

—*Hansard*, vol. xxx. pp. 513, 521.

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The Budget of 1836.

meet the charge of the West India Loan, he had actually obtained a surplus of 1,386,000*l.* The cautious forebodings which he had expressed in 1835 had proved wholly unnecessary. In 1836 he placed the probable income at 46,980,000*l.*, the expenditure at 45,205,807*l.*; the charge for the West India Loan at 1,111,863*l.*, the surplus at 662,330*l.*[1] This surplus obviously enabled him to redeem the pledge which he had given the year before. He reduced the tax on newspapers from fourpence to a penny.[2] But he was able to do more than this. The excise on paper was open to many objections. For the purposes of the tax all sorts of paper were divided into two classes. First-class paper, comprising every kind not manufactured wholly out of tarred ropes, paid a duty of 28*s.* per cwt. Paper made wholly of tarred ropes was called second-class paper, and paid a duty of 14*s.* per cwt. The so-called first-class paper comprised all paper on which it was possible to write or to print, from the high-priced note-paper which was the luxury of the rich, and which could only be purchased for 112*s.* per cwt., to the thin paper on which the poorest journals were printed, and which could have been bought without the duty for one-fourth of that sum. The excise, therefore, on the cheaper papers was proportionately heavier than the tax on the dearer papers. But this inconsistency was only one of

The newspaper tax reduced to a penny.

[1] The expenditure was as follows:

	£
Debt and Consolidated Fund	30,620,000
Supply Services	14,585,807
	45,205,807
West India Loan	1,111,863
	46,317,670
Surplus	662,330
Revenue	£46,980,000

—*Hansard*, vol. xxxiii. p. 635.

[2] Rice proposed that a newspaper which did not exceed a certain size (1,530 superficial inches) should pay the penny duty. It was objected that this size exactly suited the *Chronicle*, the organ of the Whigs, which was printed on one large sheet, and that it did not suit the *Times* and other papers, which supported the Tories, and were printed on a double sheet. In consequence the proposal, which was carried, aroused a great deal of angry discussion. *Hansard*, vol. xxxiii. pp. 517, 680.

the many inconveniences which arose from the duty. The stipulation that the second-class paper should be made only of tarred ropes needlessly interfered with the operations of the manufacturers. Coarse sacking and refuse rags were equally suitable for the manufacture of rough packing-paper, and the manufacturer was only prevented from using them by the double duty which their use involved. Rice, under the circumstances decided on abolishing the distinction between first-class and second-class papers, and on levying the same duty of 14*s.* per cwt. on all paper. His decision relieved the manufacturer from much vexatious supervision; it cheapened all kinds of paper; it encouraged literature by reducing one of the taxes which had impeded its progress; it stimulated the growth of an industry which had been languishing under the absurd system of a previous age.[1]

The paper duty reduced.

These changes absorbed the greater portion of Rice's surplus. The Liberals were warmly in favour of them. The diffusion of knowledge which would result from a cheaper press would, they thought, prove ultimately beneficial to the country and themselves. The Conservatives, on the contrary, had no anxiety for the diffusion of knowledge among the lower orders, and put up Knightley, the member for Northamptonshire, to suggest a reduction of the soap duties, instead of the reduction of the newspaper stamp.[2] Knightley desired to reduce the tax on soap from 1½*d.* to 1*d.* per lb., and was beaten by 241 votes to 208.[3] Spring Rice was able to maintain his own proposal and to reduce the newspaper

[1] McCulloch, *ad verb.* 'Paper.' *Hansard*, vol. xxxiii. p. 665. Rice at the same time abolished the additional duty which had up to that time been imposed on all stained paper.

[2] A motion had already been made for the repeal of the soap duties and the substitution for them of a tax on tallow, and had only been lost by 195 votes to 125. *Hansard*, vol. xxxii. pp. 362–382.

[3] *Ibid.*, vol. xxxiv. pp. 613–663. It was in this debate that Kearsley, the member for Wigan, described a speech of Roebuck's (who had

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tax. In one sense his measure proved very successful. Before five years had passed the circulation of the newspaper press was nearly doubled.[1] In another sense the reform was less thorough. The high class newspapers reduced their price from 7*d.* to 5*d.* Such a reduction was not sufficient to enable the poorer classes to afford the luxury of a newspaper. A daily paper still cost from 4*l.* to 7*l.* a year; and the mass of the population could not afford this sum out of their scanty earnings. The alteration in the stamp duties placed the newspapers in the hands of the upper and middle classes; it failed to extend political knowledge among the lower orders.[2]

The Budget, however, was generally popular; but there was one class in the community which was dissatisfied with its proposals. The agriculturists had for years been claiming some assistance from the Legislature. The cheap wheat, which was making the poverty of the lower orders tolerable, was throwing clay land in every part of the kingdom out of cultivation. The landlord could find no tenant for his farm; and the tenant was reduced

been commenting on the contents of the *John Bull* and other high-priced papers) as 'disgusting.' The remark induced the interference of the Chairman; and Paul Methuen, one of the members for Wiltshire, supported the Chair. Kearsley retorted on Methuen the witty but irreverend reply, 'Paul, Paul, why persecutest thou me?' *Ibid.*, p. 655. The conversation is a good example of Parliamentary manners in 1836. It may be added that, in the preceding ten days, the Speaker's authority had been twice invoked to prevent a hostile encounter between Honourable Members (*Hansard*, vol. xxxiv. pp. 486, 528), and that, before the session closed, one Honourable Member assured another that he would 'make him remember' a remark which he had overheard. *Ibid.*, vol. xxxv., p. 642.

[1] It rose from 35,800,000 to 61,600,000.

[2] The bill by which the newspaper duty was reduced was amended, on Lyndhurst's motion in the Lords, by the omission of the clauses which required all the proprietors of every newspaper to be registered. *Hansard*, vol. xxxv. pp. 971–990. The House of Commons refused to accept amendments to a money bill. The bill was according dropped, and a new bill brought in and passed through all its stages in two days, and sent to the Lords (*ibid.*, pp. 1092, 1094), by whom it was passed. It was supposed that the original clause was particularly distasteful to Walter, the principal proprietor of the *Times*, a journal which had distinguished itself by attacking the Ministry. Melbourne very unnecessarily described Walter as 'a fel-

to the lot of a labourer. The price of wheat, which had reached 126*s.* 6*d.* the imperial quarter in 1812, fell to 39*s.* 4*d.* in 1835. The agriculturists had not experienced such a price for nearly sixty years; and their representatives in Parliament were loudly clamouring for relief.

Agricultural distress.

The agriculturists, indeed, had no longer the same weight in Parliament which they had enjoyed twelve years before. But they were joined in every great debate by a section of the Radicals. A party among the Radicals attributed the distress of the agriculturists to the inconvertible paper currency, which had been established in 1819, and supported the country gentlemen in every division. A smaller party, which put their faith in Cobbett, shared the sympathetic views which Cobbett, as a farmer, expressed for his brother farmers. Thus reinforced, the agriculturists were able to present an imposing appearance in every debate, and to insist on attention being paid to their demands. For years Lord Chandos had made himself the chief representative of the farmers. On the 10th of March, 1835, he unsuccessfully advocated the repeal of the malt duty.[1] On the 25th of May, 1835, he drew formal attention to the depressed state of agriculture, and moved an address asking for the immediate removal of some of the burdens upon land.[2] Russell, as leader of the House, met the motion with an amendment which pledged Parliament to some reduction in the burden of the county rates.[3] Russell's promise was not satisfactory to the agriculturists.

low who had raised himself from a humble station in life to that of member for a county, who feared that his veracity might be impeached or his vanity injured.' *Ibid.*, p. 986. Walter retorted that no Lamb 'had been distinguished for any merit of any kind until his Majesty had, unfortunately, called to his councils the individual who was now considered as head of the Goverment.' *Ibid.*, pp. 1191–1192.

[1] *Hansard*, vol. xxvi. p. 735.

[2] *Ibid.*, vol. xxviii. pp. 85, 91.

[3] The Government, in 1836, undertook to relieve the county rates of one-half the cost of prosecutions. The relief amounted to 40,000*l.*, and was not granted without a strong protest from Hume. *Hansard*, vol. xxxv. p. 1057.

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They divided against his amendment, and were beaten by 211 votes to 150.[1]

The agriculturists had frequently secured a more favourable division. The debate was, however, recollected because it was the last in which they had the advantage of Cobbett's assistance. His death, immediately afterwards, removed a striking figure from the House of Commons. Yet the work which it was Cobbett's business to do was already done, and his loss left no void which there was any difficulty in filling. Cobbett's influence, indeed, waned from the moment when the electors of Oldham chose him as their representative. His Parliamentary duties compelled him to neglect his 'Register,' and the circulation of his paper suffered in consequence. The diminution of his literary influence was not compensated by any impression which he made in the House of Commons. Cobbett had succeeded in many things, but he failed to attain Parliamentary distinction. His undoubted abilities were not adapted to the atmosphere of Westminster; and the arguments which had frightened a Ministry, when they were stated in the pages of the 'Register,' only excited ridicule in the House of Commons. Cobbett, in fact, proved, after his entrance into Parliament, that his opinions on many subjects were as illiberal as those of the upper classes who were the object of his unceasing invective.[2] Liberal men were desirous of removing every religious disability from the statute book, and Cobbett declared that he would 'oppose every attempt to emancipate the Jew and to unchristianise the country.'[3] Advanced thinkers were endeavouring to assist the spread of knowledge,

The death of Cobbett.

[1] *Hansard*, vol. xxviii. p. 127.

[2] For his views on the upper classes see *Hansard*, vol. xv. p. 855, where he declares that the nobility, clergy and gentry of England, Scotland, and Ireland were the most unjust body of men that ever lived on the face of the earth. And cf. *Hansard*, vol. xvi. p. 385.

[3] *Hansard*, vol. xv. p. 635; and vol. xvi. p. 11.

and Cobbett thought proper to attack a small grant for educating the people, and to inveigh against the utility of the British Museum. Liberal politicians were impressed with the necessity of employing paid magistrates in the largest towns, and Cobbett went out of his way to condemn this expenditure.[1]

An unreasoning hatred of the upper classes, an undiscriminating dislike of all expenditure, were the leading characteristics of Cobbett's political opinions; and the agitator lost weight from his incapacity to distinguish between the bad and the good of the system which he assailed. His impassioned invective was only half-sincere. Persecution and the 'Register' had made him a Radical; but nature, which had given him a taste for rural pursuits, had intended him for a Tory. His head was in the 'Register,' inveighing against everything that was old; but his heart was at Botley, clinging to the old traditions which modern ideas were gradually extirpating from agriculture. Outbidding the Radicals on some questions, outbidding the Tories on others, he failed to secure the confidence of either party, or to acquire any definite position in political circles.

Cobbett's death[2] deprived the agriculturists of a firm ally, and agriculture was never in greater need of help. The price of wheat, it has already been stated, had fallen to 39*s.* 4*d.* in 1835; but this fact only imperfectly represents the stringency of the crisis to the agricultural interest. In January the average had amounted to 40*s.* 7*d.*; in December it had fallen to 36*s.* 8*d.*[3] The distress of the agriculturists was so great that some of them, meeting at Framlingham, actually proposed to

[1] *Hansard*, vol. xxii. p. 621.

[2] Three months before Cobbett's death a man who was frequently associated with him—Hunt, the hero of Spa Fields and Peterloo—died. He had been member for Preston in the unreformed Parliament, and continued to represent it till after the Reform Act. There is an appreciative notice of him in the *Ann. Reg.*, 1835, Chron., p. 215.

[3] *Ann. Reg.*, 1835, Chron., p. 273.

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stop the supplies till their grievances were redressed; and the Ministry, without waiting for any pressure from the county members, recommended enquiry in the Speech from the throne. On the motion of Russell a select committee was appointed, on the 8th of February, 'to enquire into the state of agriculture.'[1] The agriculturists could not complain of any further disregard of their interests by Parliament; and the country awaited with expectation the report of the Commons' committee. Never had a committee been constituted more likely to do justice to the agriculturists. Thirty-three members sat upon it, and most of the thirty-three were county members. The committee selected as its chairman Mr. Lefevre, a comparatively young man, who rose a few years afterwards to the highest place in the House of Commons, whose excellent abilities, whose strong frame, and whose keen relish for rural pursuits made him an admirable example of an English gentleman. Mr. Lefevre did his duty laboriously and impartially. He took care that every interest should have an impartial hearing; and he drafted a report which he himself thought was fully justified by the evidence. His proposed report, though it contemplated a reduction in the malt tax,[2] told the farmers plainly enough that they must look for relief to their landlords, and not to the Legislature. County members who had agitated for enquiry could not resist the force of this conclusion, but they were not prepared to endorse it. Graham, to help them out of their dilemma, moved that the evidence should be reported without any observations. Chandos seconded Graham's recommendation. Russell, deferring to Chandos's opinion, acquiesced in the proposal. Peel, who had only reluctantly assented to the committee's appointment, agreed to it; and the

A fresh Agricultural Committee appointed.

It separates without making a report.

[1] *Hansard*, vol. xxxi. pp. 147–163. [2] *Ibid.*, vol. xxxvii. p. 610.

committee, deprived of the help of its leading counsellors, unanimously adopted Graham's suggestion.[1]

The enquiry, solemnly recommended in the Speech from the throne, and anxiously awaited in the country, had terminated in a ridiculous failure; and the farmers, at last discovering that their landlords had nothing to recommend, ceased from urging enquiry into their grievances. Forty-three years passed, and nearly all the members of the old committee had dropped one by one into the grave before another Ministry, probably ignorant of the history of 1836 and anxious to please the agricultural interest, undertook to institute a new enquiry. Mr. Lefevre's draft report had proved more powerful than all the arguments of all the economists, and had effectually disabused the county members of any notion of obtaining relief from the State. For once a failure had proved more influential than a success; but the failure of the Agricultural Committee was in itself only typical of the session in which it occurred. The session had been remarkable for little measures and great failures. The example of the Irish bill had proved that the Ministry was unable to force any proposal through Parliament; and Tory peers, under the guidance of Lyndhurst, had taken pleasure in displaying their ability to reject or remodel every proposal that had come before them. The Ministry had desired to introduce some technical amendments into the English Corporation Act. Their bill had been thrown out in the Lords. The Ministry had desired to place the estates of public charities under elected managers. Their measure had also been rejected by the Lords. These and other similar reverses emphasised the conduct of the peers in recasting the Irish measures of the Government. Such conduct on their part would have precipitated a revolution in 1833; it excited more.

The failure of the session.

[1] *Hansard*, vol. xxxv. pp. 381–398.

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amusement than remonstrance in 1836. The great victory of 1832 had, in fact, produced in a limited way the consequences which had resulted from the great convulsion of 1789. Timid politicians, alarmed at the excesses of the republicans in France, had rallied in support of Pitt in the closing decade of the eighteenth century; and timid politicians, alarmed at the power of the tide which forced the Reform Act through Parliament, were rallying in support of King and Peerage in the fourth decade of the nineteenth century. The flood had reached its appointed limit; and, though the ebb had not begun, the waters which had ceased to rise had lost their power, and the Ministry was carried helplessly hither and thither on the face of the mighty deep. Now and then a wave higher than the rest enabled them to overthrow some political excrescence which they were enabled to attack. These were only the exceptional wavelets which may be seen at every tide. But the lazy waters had lost their force. For at least six hours Mrs. Partington might attack the Atlantic with her mop and abuse the Ministry drifting feebly on the swollen ocean. 'And this, my Lords, is a Government!' So Lyndhurst had the effrontery to wind up a review of the failures of the session. 'Was there ever in the history of this country a body of men who would have condescended so low as to attempt to carry on the government under such circumstances? In this House they are utterly powerless—they can effect nothing. . . . Yet, thus disgraced and trampled upon, they still condescend to hold the reins of government. Proud men, eminent statesmen, distinguished and high-minded rulers!'[1]

Lyndhurst's attack on the Ministry.

Melbourne was conscious enough of the disrepute into which his Ministry had fallen. But there was no one subject which afforded him sufficient pretext for retiring from the service of the Crown, and he was com-

[1] *Hansard*, vol. xxxv. p. 1202.

pelled to endure the taunts of the Opposition and the slights of the King.[1] Hopelessly discredited, the Ministers passed through the autumn of 1836; hopelessly discredited, they met Parliament in the spring of 1837. They did not venture on promising much. All that they hoped to do was to carry on the routine duties of the Government and to persuade Parliament to pass the two Irish measures, the Tithe and Corporation Bills, which Lyndhurst had made the Lords reject the year before. Even this result seemed unlikely; and politicians almost openly speculated on the final defeat of the Whigs, and the return of Peel and the Tories to power.

The session of 1837.

Ireland, indeed, was in a condition which made even Tories ambitious for office anxious. The loss of the Municipal Bill had exposed the unhappy Irishman whose lot lay in a town to a continuance of misgovernment. The loss of the Tithe Bill had perpetuated the sufferings of the Irish cottier, and discontent prevailed through the length and breadth of Ireland. The agitation which O'Connell had attempted in Great Britain had ended in a miserable failure. The people, like the deaf adder of the Psalmist, had shut their ears to the voice of the orator and had refused to be beguiled by the dexterity of his charming. But the Irish, at any rate, were ready enough to listen to their old leaders. Sheil and Grattan were calling upon Ireland for 'a development of the might which slumbers in her arm.' On the advice of a dexterous barrister a committee was formed in Dublin, with power to add to its numbers, for the purpose of organising monster meetings in every part of the country, and for petitioning Parliament for municipal and tithe reform. The committee, after a short existence, assumed a more formidable character. Its members converted themselves into a general or National Association

The state of Ireland.

[1] *Melbourne*, vol. ii. p. 200.

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The National Association.

which undertook to influence every Parliamentary election. Except that it bore another name, and that it enlisted Protestant as well as Catholic support,[1] the new Association differed in nothing from the old Association which had been suppressed in 1829. Like the old Association, it had its periodical meetings, its local machinery, and its 'justice' rent. Like the old Association, it had the advantage of O'Connell's advice, the stimulus of O'Connell's eloquence.

The Tories were indirectly responsible for the agitation which thus prevailed. They were, however, too angry and too frightened to recognise their own responsibility in the matter. 'The bloated and ferocious monster,' as one of their annalists called the Association, was extending "its monstrous and grasping limbs' from the capital to the provinces, 'tainting with its poisonous breath the political and social atmosphere.' There was no time for considering the causes which had produced the brute; the monster had to be destroyed.[2] Unluckily, however, for the Tories, men were in office who had no disposition to interfere with the Association. Ministers, indeed, were ready enough to avow that they saw its existence with regret and concern.[3] They were even prepared to admit that the causes which had led to its foundation did not in their judgment justify its establishment. But they could not help perceiving that the Association had been formed, not to thwart the measures of the Government, but to promote them; that the new agitation which O'Connell was commencing was directed, not against the Ministry, but against its opponents; and that the Government had no hope of resisting the keen

[1] *Hansard*, vol. xxxvi. p. 93.

[2] *Ann. Reg.*, 1836, Hist., pp. 300–303.

[3] *Hansard*, vol. xxxvi. p. 17. The expression was Melbourne's. A hot Tory endeavoured to force Russell into a similar declaration (*ibid.*, p. 92), and Russell subsequently adopted Melbourne's words, adding, however, Plunket's memorable description of the Catholic Association: 'It is the spawn of your own wrong.' *Ibid.*, p. 228.

attack of the Tories without the active assistance of the Irish. Ever since the dissolution of 1834 parties had been evenly divided in the House of Commons, and the Whigs had been unable to rely on more than a narrow majority. In January 1837 it was estimated that 319 members followed the lead of Peel, while only 332 members were ranged on the Ministerial benches. The English and Irish Radicals could command eighty votes; and their defection, therefore, could place the Government in a minority at any moment.[1]

Political meetings.

The narrowness of the majority by which the Government was supported urged both parties to unusual exertions. The Radicals of Bath and the Radicals of Middlesex met together for the purpose of impressing their views on the Government. The Conservatives of Scotland accepted the challenge; entertained Peel at a dinner at Glasgow, and applauded his uncompromising declaration to support Protestantism and the Peerage to the utmost of his ability.[2] These demonstrations, however, were of less importance than a great meeting held in Dublin to denounce the conduct of the Irish Government, and to uphold the Protestant religion. Three thousand five hundred Irish Protestants, headed by thirty Irish peers and by Irish members of Parliament, attended this formidable gathering. They complained that the Association which had been formed by O'Connell had persecuted the clergy, had organised resistance to the law, and had convulsed the country by a most pernicious agitation. They complained that the Viceroy, by appointing its members to positions of trust and confidence, had encouraged its proceedings instead of suppressing them. They complained that he had strained the prerogative of mercy by opening the

[1] *Ann. Reg.*, 1837, Hist., p. 17, note. The Speaker and seven vacant seats made up the full number of 658 members.

[2] *Ibid.*, 1837, Hist., pp. 11–17.

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prison-doors for men who had been rightly punished. They complained that sedition had been encouraged and that loyalty had been checked by this unfortunate policy; and that there was no longer either freedom or security in Ireland for the friends of the British connection and of the Protestant Establishment.[1]

Ireland as well as Great Britain was thus the victim of political dissension. In both countries dissension was caused by the Irish measures of the Ministry. In England these measures were approved by a minority, but were opposed by the majority. In Ireland they were offensive to the influential few, and enthusiastically promoted by the great mass of the people The Ministerial policy was thus producing opposite effects in the two countries. In England it was strengthening the hands of the Conservative party; in Ireland it was encouraging the efforts of O'Connell and the Repealers. The events which in one country were producing action were promoting reaction in the other; and ministers, forced forward by the necessity of conciliating the Irish, found that every step which they took in advance separated them still further from the English people. This circumstance received a memorable illustration before the session was three months old. In former years Burdett had been the darling of the mob, the champion of the Radicals, and the unfailing advocate of Reform. His conduct in 1810 had procured him the distinction of imprisonment in the Tower; his conduct in 1820 had made him a second time a political martyr. A politician who had twice proved the constancy of his opinions by such an ordeal seemed a leader *sans peur et sans reproche*. He repaid the confidence with which the Radicals regarded him by apply-

Burdett joins the Tory party.

[1] For the meeting see *Ann. Reg.*, 1837, Hist., p. 28. For the debate on the petition emanating from the meeting, *Hansard*, vol. xxxviii. p. 299.

ing to their service the powers of a cultured mind and of a stately or pompous eloquence. Until 1833 Burdett continued constant to his old friends. From 1833 close observers fancied that they could detect a slight alteration in his opinions. The same influences which had forced Stanley and Graham into the ranks of the Conservatives were slowly operating on Burdett. Throughout the whole of 1835 and 1836 he constantly absented himself from his Parliamentary duties. In 1837 some of his constituents, dissatisfied with his conduct, called upon him to resign his seat, and thus enable them to select some more suitable representative; and on the 24th of April, Burdett, deferring to their claim, accepted the Chiltern Hundreds, and called upon the electors of Westminster to pronounce their opinion on his conduct. In doing so he announced that he was opposed to 'an unnatural alliance, an odious yet ludicrous combination of Irish agitators, popish priests and paid patriots, operating upon a well-intentioned but weak and vacillating Administration.'[1]

He is re-elected for Westminster.

The defection of Burdett soon received a striking commentary. The Westminster electors, instead of rejecting him, returned him over his Radical opponent by a considerable majority. The Tories naturally inferred from this election that the change which had taken place in his opinions had simultaneously occurred in the views of the Westminster electors, and that they shared his distrust of the alliance between the Government and O'Connell. It was everywhere perceived that unpopularity in Parliament and unpopularity out of doors might at any moment lead to the fall of the Ministry and the formation of a Tory Government.

The formation of a Tory Government, moreover, seemed inevitable from the attitude of the Lords. There was no prospect that the Tory peers would ac-

[1] *Ann. Reg.*, 1837, Hist., p. 97.

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cept an Irish Tithe Bill with an appropriation clause. There was no prospect that they would assent to the reform of Irish municipalities. The wiser among the Whigs, indeed, perceiving the error which they had made in 1835 by refusing to accept a Tithe Bill without an appropriation clause, were anxious to retrace their steps and to effect a compromise with their opponents.[1] But on the Municipal Bill there was no hope of compromise. No Liberal dared say that a reform which had been applied to English and Scotch boroughs should be refused to Ireland; and on the success or failure of the Municipal Bill the Government accordingly took its stand. Russell reintroduced the measure into the House of Commons on the 7th of February. It was read a second time, almost without debate, on the 17th of February,[2] and the real contest was reserved for the motion for going into committee. The Tories then repeated the tactics which they had adopted in the previous year. Francis Egerton again proposed that the committee should be instructed to provide for the abolition of the existing municipalities; and that they should make some fresh arrangements for the administration of justice and the peace and good government of Irish towns.[3] The Tories had thus again raised the distinct issue whether Ireland should be permitted to enjoy the advantages of local government. Their folly in taking this course was soon visible. In 1836 they had been defeated on Egerton's motion by 307 votes to 243. In 1837 the Government majority rose to 322 votes: their own supporters dwindled to 242.[4]

The Irish Municipal Bill.

Egerton and the Tories had done their best to strengthen the Government. They had given the Ministry the greatest victory which it had ever won, and

[1] *Greville*, vol. iii. pp. 388, 391.
[2] *Hansard*, vol. xxxvi. p. 633.
[3] *Ibid.*, pp. 657, 673.
[4] *Ibid.*, p. 958.

induced the country to believe that it might stand after all. It is possible that, if the Ministry had quietly persevered with its Irish measures, this impression might have been undisturbed. Unluckily the Government felt it necessary to do something to satisfy its English supporters. The Dissenters were not contented with the Marriage Act of the previous session. They complained that they were not allowed to bury their own dead; that they were liable to be rated for the support of a Church whose views they did not share, and whose services they did not attend; and that their children were still excluded from graduating at the Universities. In 1834 Althorp had prepared a scheme for the abolition of Church rates. On the 3rd of March, 1837, Spring Rice introduced another proposal with the same object. He desired to vest the management of the Church estates in an Ecclesiastical Commission; to increase the value of the Bishops' lands by abolishing fines, and by enabling the commissioners to lease them in perpetuity or for long periods instead of for only twenty-one years; and to devote the money which was obtained in this way to the repair of churches.[1] The scheme which was thus proposed excited consternation amongst Churchmen. They doubted the sufficiency of the Church estates to provide the Bishops with adequate salaries and to supply the place of Church rates; they objected to the Church being deprived of a fund which yielded 250,000*l.* a year; and they disliked making any concession to Dissenters, who had extorted it by agitation or by resistance to a legal tax. In England the Church still commanded the support of the majority. In England, therefore, Spring Rice's proposal only increased the reaction against the Liberal measures of the Ministry. The heads of the Church solemnly protested against it.[2] The representatives of the Church in the House of Com-

Church rates.

[1] *Hansard*, vol. xxxvi. p. 1207. [2] *Ibid.*, vol. xxxvii. pp. 147–159.

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mons stated and re-stated their objections to it for four nights; and the resolutions which Spring Rice had proposed were ultimately adopted by only 273 votes to 250.[1] The division presented a striking contrast to the great victory which the Ministry had gained less than three weeks before on the Irish Corporation Bill. It was seen at once that a measure carried by only a narrow majority, and resisted by the full force of the Church, had no chance of becoming law; and it was shrewdly suspected that the Ministry which had committed itself to its provisions had narrowed its chances of surviving the struggles of the session.[2]

The progress of the Municipal Bill.

In the meanwhile, however, the Irish Municipal Bill continued to make progress. On the 20th of March it was passed rapidly through committee; on the 11th of April, after two nights' debate, it was read a third time by 302 votes to 247.[3] Even Tory peers did not venture on summarily rejecting a reform which had been supported by majorities of eighty and fifty-five in the House of Commons. The Tories, however, though they were afraid of rejecting the bill, were in no mood to adopt it; and they accordingly devised a singular expedient for postponing its consideration. The King, in opening Parliament, had declared that there were three measures affecting Ireland which he recommended to the early consideration of the Legislature—the constitution of the municipalities, the law respecting the collection of tithes, and the establishment of some adequate provision for the maintenance of the poor. The three subjects had been linked together by the King: it was neither right nor expedient that the Lords should separate them.

[1] *Hansard*, vol. xxxvii. p. 549. When the resolutions were reported a motion was made that the increased funds should be applied to purposes of religious instruction within the Church. This motion was withdrawn, and the resolutions were only carried by 287 votes to 282. *Ibid.*, vol. xxxviii. p. 1073. This division 'settled' Spring Rice's scheme.

[2] *Greville*, vol. iii. p. 392.

[3] *Hansard*, vol. xxxvii. p. 1110.

Under these circumstances Wellington suggested that the Municipal Bill should be postponed until the two other measures were before the peers.[1] The notable suggestion was adopted at a private meeting of the Tories.[2] They consented to the bill being read a second time on the 25th of April;[3] but they succeeded in postponing its consideration in committee from the 5th of May to the 9th of June.[4] On the 9th of June they obtained its further postponement to the 3rd of July.[5]

The obstructive attitude of the Lords.

The action of the Lords was the more unjustifiable, because the Government was already dealing with the two other measures which had been announced in the King's Speech. On the 13th of February Russell had explained the principles on which it was proposed to institute a poor law in Ireland; on the 1st of May, a week after the second reading of the Municipal Bill in the Lords, Morpeth had introduced his Tithe Bill.[6] It was impossible, therefore, for Tory lords to say that the proposals of the Government were not before the Legislature; they could only contend that they had not yet come before the House of Lords. The Radicals accordingly thought that the Ministry should reply to the challenge of the peers by withdrawing the Tithe Bill. The language which Russell had used in private at an earlier period of the session justified the inference that he would resent the conduct of the peers. Instead of doing so, however, he mildly undertook to go on with the other measures of the Government. 'It is better,' so he argued, 'that we should wait and see whether we have mistaken the intentions of our opponents, instead of adopting that decided course which it

[1] *Hansard*, vol. xxxvii. p. 1156.
[2] *Greville*, vol. iii. p. 397.
[3] *Hansard*, vol. xxxviii. p. 277.
[4] By 192 votes to 115. *Ibid.*, p. 599.
[5] By 205 votes to 119. *Ibid.*, p. 1329.
[6] *Ibid.*, vol. xxxvi. p. 453; and vol. xxxviii. p. 408.

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would afterwards be shown we were not justified in pursuing.'[1]

Russell's temperate advice was not acceptable to the Radicals. They had been annually becoming more and more discontented with the conduct of the Government. They were anxious to carry on the work which had been only commenced in 1832. One of them was advocating the ballot; another the repeal of the rating clauses of the Reform Act; a third the separation of Church from State; a fourth the reform of the House of Lords. The moderate views of the Government seemed intolerable to them. The Whigs, judged by their conduct, were no better than the Tories—'they had deceived the people.' Among the abler members of the Radical party in the House of Commons was a young man—Roebuck—who had been elected by the Liberals of Bath. Endowed with a ready tongue and facile pen, he naturally aspired to a high place in the Radical ranks, and he became the historian of the Whig Ministry of 1830. His history, however, ceases from the moment when his own feelings towards the Administration began to change. His own confidence in the Whigs was shaken by the retirement of Durham, and it was destroyed by their return to office without Brougham. On the 9th of June, 1837, Roebuck moved for a committee of the whole House on the state of the nation. 'There was no Government,' he complained. 'Ministers were not in the position in which they stood at the commencement of the session. They stated that they would stake their existence on the fate of the Corporation Bill for Ireland. What had become of that bill? Why, it had been postponed. In what state, then, were they? Paralysed. And he asked the noble lord, he asked the House, he asked the country, what good was to be derived from playing over a farce by discuss-

Discontent of the Radicals.

[1] *Hansard*, vol. xxxviii. p. 696.

ing the Irish Tithe Bill?' The Government were responsible for the dead lock which had occurred. 'To-day they are Liberal, to-morrow the reverse. Aristocratic in principle: democratic in pretence. They have come forward with large promises and mean performance. Vaguely Liberal has been their talk—ineffective and useless have been their measures. What has been the result? Defeat in this House, disgust out of doors. The people are disheartened when led by men whose principles they cannot understand and whose honesty they begin seriously to doubt; and the present Ministry will cease to be a Ministry in a few weeks, if the people remain in their present apathetic condition. If ministers stand still they are ruined; their only chance of success is by going forward. The headlong conduct of the Tory party here and in the House of Lords compels you to demand as a right, not to be refused, what you have hitherto sought as a favour. The whole machinery of legislation is at a dead stop. Under these circumstances does it not behove us, instead of proceeding with a bill which we know can in no case pass into a law, to endeavour to discover the means of rescuing ourselves from the difficulties in which we have been involved by the conduct of the Government?'[1]

Nothing came of Roebuck's vigorous invective. The Whigs, instead of cheering the intemperate attack of a discontented Radical, satisfied themselves with praising the temperate reply of their own leader.[2] Attack and reply, indeed, both wore an artificial aspect. The politicians who were busily discussing the policy which it was desirable to pursue knew well enough that the days of the existing Parliament were numbered. Throughout the previous month the King had

[1] These sentences, extracted from various parts of it, give an accurate notion of a speech which will be found *in extenso* in *Hansard*, vol. xxxviii. pp. 1337–1353.

[2] For Russell's speech see *Hansard*, vol. xxxviii. p. 1363. Cf. *Greville*, vol. iii. p. 401.

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The King's illness and death.

been very ill: nominally, indeed, his attendants only admitted that he was suffering from hay-fever. In reality the stagnation of his pulse proved that he had some affection at the heart. The King's illness, talked of in society during May, could not be concealed from the public in June. It was then seen that the Ministers had possessed a graver reason than they had been able publicly to urge for their patient endurance of the exasperating conduct of the Lords; and that they had wisely hesitated to provoke a crisis in their own fate at the very moment when the crown was descending from the keeping of an old King into the inexperienced hands of a young girl. Throughout May the King's recovery was doubtful; in the middle of June it was hopeless. On Sunday, the 18th of June, the public were told that he was more feeble; on the 19th of June they were assured that he had received the Sacrament; on the 20th of June that he was dead.[1]

His character.

The character of William IV. was painted in flattering language by his ministers and his contemporaries. Melbourne declared him to be 'a being of the most uncompromising and firmest honour that ever it pleased Divine Providence to place upon the throne.' Wellington added his testimony to the firmness, the discretion, the candour, the justice, the spirit of conciliation towards others, and the respect for all which had distinguished the sovereign; and Grey declared that he was a Patriot King.[2] These compliments have since been repeated by writers who ought to have been free from the motives which induced contemporary politicians to exaggerate the virtues and overlook the faults of the monarch; and even Liberal historians have gone out of their way to describe William IV. as a great and good monarch. Such descriptions

[1] *Ann. Reg.*, 1837, Chron., p. 60. Cf. *Greville*, vol. iii. p. 406.

[2] *Hansard*, vol. xxxviii. pp. 1548, 1550, 1551.

by their very extravagance injure the character which they seek to exalt. The chief point of public interest in which William deserved well of his country was the support which he afforded to Grey during the crisis of the Reform Bill. Even this support, however, was only temporary; and, in 1832, one of the greatest obstacles in the way of the Ministry was the passive resistance of the King to the measure. From 1832 William constantly thwarted the policy of his ministers. He was opposed to the abolition of slavery; he was opposed to the reform of the Irish Church; he was opposed to Palmerston's foreign policy. He ventured on a public display of his opposition by dismissing his ministers in 1834. Forced to recall them to his counsels, he had not the good taste to treat them with decent civility, or even to conceal from others the dislike which he bore them.

The treatment, which Melbourne and his colleagues habitually received from William IV., ought to have prevented their using the terms of extravagant praise in which they described his character. The resentment which uncompromising flattery induces may in itself betray posterity into another injustice. As a monarch William IV. was neither great nor wise. Yet he had qualifications as a man which it would be neither generous nor just to overlook. Nature had endowed him, in common with all his brothers, with excellent abilities; and, when his prejudices were not excited, his judgment was cool and good. Unluckily, the hereditary taint which was present in his blood disordered his intellect and deteriorated his understanding. Eccentric rather than insane, he had all the obstinacy which distinguishes insanity; but neither eccentricity nor obstinacy had deadened the kindlier feelings of his heart. Married late in life to a Queen with few personal attractions, he proved a good and faithful husband. His numerous natural

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children had every reason to regard him as a kind and indulgent father. His ear was always open to any tale of distress, and his bounty was usually given with the liberality of youth rather than with the caution of age. Devoid of dignity, hating ceremony; with a nod, and perhaps an oath, for a friend; with a speech, in or out of season, for every occasion, he would have passed in private life for a good-natured sailor. The good-natured sailor was hardly qualified for the throne on which destiny placed him.

In one respect, however, destiny was kind to William. He ascended the throne when an old man. He occupied it for only seven years, and those seven years were memorable for some of the greatest measures which have ever been passed in this country—Parliamentary Reform, Municipal Reform, the Abolition of Slavery, the New Poor Law, the Commutation of Tithes, the Registration Act, the Marriage Act. The commencement of his reign saw the opening of the first public railway. Before it closed the experiments of inventors were paving the way for the introduction of the electric telegraph. Such great events had never previously been compressed into so short a space of time as those which dignified the period during which it was the lot of William to occupy the first throne in Europe.

The results of his death.

In a political sense William's death was the most important circumstance of his life. Had he lived but a few weeks longer his Ministry must have retired from a position in which they had incurred the chilling disregard of their sovereign and the ridicule of their contemporaries. The dead lock which had arisen from the conflict between Lords and Commons could only have been solved by the resignation of Melbourne and the accession to office of a Tory Government. William's death averted this contingency. A dissolution of Par-

liament was inevitable. The Ministry had a sufficient excuse for winding up the affairs of a useless session and of making an appeal to the country. Such an appeal, a few weeks before, would probably have resulted in the return of a Tory majority. The electors would have avenged the shortcomings of the Ministry on the heads of Melbourne and Russell, and rallied to the support of the Tories and Peel. After William's death the appeal wore a new aspect. Melbourne was no longer the representative of an abortive policy: he was the minister of a young Queen. Old men, who had recollected the obstinacy of George III., who had deplored the vices of George IV., and who had laughed at the eccentricities of William IV., were touched at the spectacle of a young girl, with the grace of youth and the charm of innocence, succeeding to a position whose responsibilities and anxieties might have added a new care to years. Loyalty, which had languished under the chilling influence of vice and eccentricity, was revived by the warm smile of dignity and innocence; and the people, illogically associating the Whigs with their sovereign, confirmed Melbourne in power.

The accession of Victoria.

The young Princess who thus succeeded to the throne was the daughter of George the Third's fourth son, the Duke of Kent. The particulars of her birth and of her father's death have already been related in a previous chapter of this history. During her childhood she had been carefully educated, under her mother's supervision, by her governess, the wife of Northumberland and the grand-daughter of Clive. In the company of the Duchess of Kent she had visited, in 1835, some of the principal places in the kingdom; but the tour which she then made was almost the only instance in which she was introduced to her future subjects. At the conclusion of it she withdrew into the retirement in which her mother thought proper to seclude her. Her

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mother's views in this respect were probably influenced by her own unfortunate differences with the King. William IV. had contracted a hearty dislike for his sister-in-law, which he had neither the taste nor the temper to conceal. The reception which awaited the Duchess of Kent when she appeared at Court[1] would have induced most women to avoid troubling the King with their presence. Till the very eve of William's death there was no actual necessity for her appearance. The Princess was still a minor; her mother was still her sole guardian; and she had the right, if she chose to do so, to live with her child in the seclusion of Kensington. On the 24th of May, 1837, however, this arrangement became no longer possible. On that day the Princess completed the eighteenth year of her age and attained her majority. Of age, and presumptive heiress to the throne, she could not avoid playing her own part in her uncle's Court. At this very moment, however, her uncle's Court, by a singular chance, was clouded by the King's last illness; and it was thus the Princess's lot to make her first appearance, not as presumptive heiress to the throne, but as Queen.

William died very early on the morning of the 20th of June. His counsellors hardly waited for daylight before they hurried to Kensington, and insisted on the young Queen being roused from her slumbers and acquainted with her dignity. Melbourne was with her at nine; the Privy Council assembled at eleven; and the Lord Mayor and Common Council hurried in officious haste to pay their allegiance to her at twelve. Privy Counsellors and Common Councillors were thus hastening to do their homage to their new Sovereign. Old men, experienced in all the arts of a court, were quivering with excitement; and the only person who maintained her dignity and self-possession was the

[1] *Greville*, vol. iii. p. 366.

young girl just emerging from her privacy, the object of their adoration. Without the advantage of her uncles' stature, she had more dignity than they could claim; without the advantage of unusual beauty, she had a winning smile and engaging manners; while her clear musical voice—'soft, gentle, and low, an excellent thing in woman'—struck a responsive chord in every listener.

The favourable impression which the young Queen made on the few persons whom she first saw was shared by the wider circle which she received on the following day. On the 22nd she sent a message to Parliament, in which she suggested that the business of the session should be wound up as rapidly as possible, in order that she might be able to comply with the law which imposed on her the duty of summoning a new Parliament. The members of the Legislature gladly availed themselves of an excuse for freeing themselves from the embarrassing difficulties which had been produced by the conflicts of the two Houses. The necessary business of the State was rapidly transacted, and on the 17th of July Parliament was formally prorogued by the Queen. Her appearance on this occasion, the dignity with which she acknowledged the cheers of her subjects, the clear unfaltering tones in which she read her speech, increased the favourable impression which she had already made; and the people found a new excuse for a loyalty which they had never previously felt in the grace and appearance of their young Queen.[1]

Parliament is dissolved.

Amidst the enthusiasm which the Queen everywhere excited Parliament was dissolved. The general election, which immediately took place, did not materially alter the strength of parties. The Tories gained several seats

[1] For these events see *Ann. Reg.*, 1837, Hist., p. 235, and Chron., p. 60; *Melbourne*, vol. ii. 232; *Greville*, vol. iii. p. 406; *Palmerston*, vol. ii. p. 250; and *Hansard*, vol. xxxviii. pp. 1546, 1921.

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in English counties; the Liberals gained a few seats in English boroughs; and O'Connell added largely to the numerical strength of his personal followers. Graham, defeated in Cumberland, was the only prominent statesman who lost a seat. But Burdett, satisfied with his victory of the previous spring, declined again to appeal to his Westminster constituents, and took refuge in the more congenial atmosphere of an agricultural county. The elections, however, did not materially alter the balance of parties. The Liberals still enjoyed a small majority in the House of Commons. The Conservatives still remained a compact and formidable Opposition. But the strength of the Government was immensely increased by the circumstances of the election. In the old Parliament everyone had known that the King was opposed to his ministers: in the new Parliament everyone believed that the Queen was sincerely attached to them. In the old Parliament everyone had expected that the approaching dissolution would give Peel a majority: in the new Parliament everyone saw that these expectations had been disappointed. In the old Parliament ministers had used the language of men who were expecting their fall: in the new Parliament they felt the confidence which arises from an assured position.

It will be the object of the succeeding chapter to relate the history of the four years which succeeded the accession of the Queen. Before proceeding, however, to describe the details of a policy which irritated a nation and destroyed a Government, it is desirable to dispose of two matters whose relation would otherwise confuse the subsequent narrative. In the first place, the accession of the Queen to the throne dissolved the direct connexion between Germany and Britain; in the next place, it necessitated fresh arrangements for the support of the dignity of the Crown. Since the reign of Anne the throne of England had been occupied by

The Crown of Hanover.

the sovereigns of Hanover. The Crown of Hanover, however, devolved only on the male members of the House of Brunswick; and on the accession of a female to the throne of Britain it descended to Ernest, Duke of Cumberland, the fifth son of George III. Allusion has already been made in this history to the character of this worthless prince; it is sufficient in this place to add that he had formed the most narrow and reactionary views of government. The Prince called himself a Tory; he even aspired to the lead of the Tory party. But it would be an insult to the memory of Peel or Wellington to connect their names with that of the graceless Prince who was resisting every concession to Roman Catholic and Dissenter, and who was intriguing with Newcastle and Londonderry against the policy which the wiser Conservatives were pursuing. The Duke's accession to the throne of Hanover relieved this country from his presence, the Tory party from the unpopularity of his assistance. The Duke took the earliest opportunities of displaying his peculiar notions of kingcraft. Hanover had received representative institutions as a reward for the sympathy of its subjects with the revolution of 1830. Its new King marked his accession to the throne by superseding its Constitution. His conduct in doing so elicited a cry of distress from the minor German States, each of which feared that its own 'pelting petty' sovereign would, like Ernest of Hanover, 'use his heaven for thunder—nothing but thunder.'[1] Their cry awakened a responsive echo in the British House of Commons. A Liberal member, on the very last day of the session, asked the Government whether the report of the King's conduct was true, and declared his intention of introducing a measure in the next Parliament to vest the succession to the British

[1] *Ann. Reg.*, 1837, Hist., p. 337; and Chron., p. 304, where the letters patent altering the Constitution are printed.

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throne in Prince George of Cambridge.[1] Fortunately for his Hanoverian Majesty, the Liberal member who made this attack upon him lost his seat at the ensuing election. Fortunately for Britain, the good health which his niece enjoyed, and her subsequent marriage, made the people take only a languid interest in the follies and faults of Ernest of Hanover.[2]

The Civil List.

The history of the Civil List has already been related in a previous chapter of this work. All the revenues of the country were originally held by the Crown for the public purposes of the State. After 1688 the Crown revenues proved insufficient to discharge the whole cost of government, and the Legislature relieved the sovereign from certain specified charges. The taxes which were voted for the purpose were appropriated by Parliament to prescribed objects; and the Crown was only allowed the use of the more permanent revenues, or of the hereditary revenues, as they were usually called. These hereditary revenues proved insufficient to defray all the charges of civil government and to provide for the wants of an extravagant Court; and it was consequently decided that Parliament should take them into its own management, and assign the sovereign a fixed annuity in its place.

Changes in England are rarely completed in the first instance. The financial reforms which were commenced at the Revolution have not even yet been pushed to their extreme logical results; and in 1760 the whole cost of civil government was thrown on the sovereign, while the casual revenues of the State were left under the direct control of the Crown. During the

[1] *Hansard*, vol. xxxviii. p. 1923.

[2] The Duke, it may be added, clung to the 21,000*l.* a-year which had been granted to him by the British Legislature, and refused to give up the apartments in St. James's Palace which had been granted to him by the Crown (*Hansard*, vol. liii. pp. 172, 288), and which, some people will recollect, were the scene of a dark and unexplained event in his life.

next seventy years the civil list was gradually relieved of many charges; and in 1837 it was decided to remove from it every charge which was not directly connected with the support of the Crown. At the accession of William IV., moreover, the Crown surrendered its interest in all the casual revenues. A surrender of this kind, once made, was, virtually, irrevocable. It would have been as impossible for any future sovereign to have resumed a revenue which his predecessors had surrendered as it would have been impracticable for him to have restored the Star Chamber, or to have made the appointment of the Judges dependent on his pleasure.

In 1837 the Queen, imitating the example of her uncles, and adopting their phraseology, placed unreservedly at the disposal of Parliament those hereditary revenues which were transferred to the public by her immediate predecessor, and asked her Parliament to make adequate provision for the support of the honour and dignity of the Crown.[1] Her ministers properly proceeded to determine the civil list without paying the least attention to the value of these revenues, but solely with regard to the amount which it was necessary to place at the disposal of the sovereign. They did not even venture to act upon their own judgment, but referred the papers upon the subject and their own calculations to a select committee of the House of Commons.[2] The committee altered the recommendations of the Government in one very important particular;[3] but they never suggested that the income of the sovereign should be dependent on anything except the single consideration what sum was necessary for the support of the throne. The pretension, which has been urged in later times, that the civil list was

Its amount settled, with the assistance of a select committee.

[1] *Hansard*, vol. xxxix. p. 137.
[2] *Ibid.*, p. 185.
[3] The report is printed in *Ann. Reg.*, 1837, Chron., p. 277.

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a bargain between the Crown and the public, was not advanced by any competent authority in the Legislature in 1837.

Statesmen had no difficulty in determining the sum which was necessary for the support of the throne. William IV. had enjoyed a civil list of 510,000*l.*, but 50,000*l.* of this sum was allotted to the privy purse of his Queen, 75,000*l.* to pensions, and 10,000*l.* to secret service money. Ministers themselves proposed that the civil list of the new Queen should be calculated on the same data. But the committee, to which the matter was referred, determined on further reductions. The secret service money was withdrawn from the civil list; a new arrangement respecting pensions was made; and the civil list was fixed at 385,000*l.* The decision conferred 10,000*l.* more on the Queen than had been enjoyed by her predecessor.[1] Some members thought the arrangement much too liberal. Hume complained of the unnecessary expenses which were incurred in the offices of the Lord Chamberlain, of the Lord Steward, and of the Master of the Horse; of the absurd salaries which were paid to ornamental officials like the Master of the Buckhounds and the Constable of Windsor; and moved to reduce the grant by 50,000*l.* A younger member, Benjamin Hawes, who afterwards became well known as one of the permanent officials of the State, suggested a smaller reduction of 10,000*l.*

[1] The amounts were:—

William IV.'s Civil List.

		£
1st class.	Privy purse—William IV.	60,000
	Queen Adelaide	50,000
2nd class.	Salaries and pensions, household	130,300
3rd class.	Tradesmen's bills	171,500
4th class.	Royal bounty	13,200
	Secret service	10,000
5th class.	Pensions	75,000
		£510,000

Queen Victoria's Civil List.

		£
1st class.	Privy purse of Queen	60,000
2nd class.	Salaries, &c., household	131,260
3rd class.	Tradesmen's bills	172,500
4th class.	Royal bounty	13,200
	Unappropriated moneys	8,040
		£385,000

—Report, Civil List Committee. *Ann. Reg.*, 1837, Chron., p. 277.

Hume only secured 19 votes against a majority of 199. Hawes' more reasonable suggestion procured the support of 41 members against a majority of 173.[1]

The amount of the civil list was settled by these divisions. But there was one matter connected with it which became the subject of constant debates. In the old system of government, which had been terminated by the Reform Act, nothing had appeared more objectionable than the lavish pensions granted to the favourites or to the supporters of the Ministry. In the new system of government which had been originated in 1832 the continuance of the pensions which had been granted by former sovereigns was a favourite theme for denunciation. The Whig party had an hereditary interest in stopping these pensions. They had been denounced by their great master Burke in 1782. The eloquence of Burke, however, produced no considerable effect. He had proposed to limit the pension list to 95,000*l.* a year; and on the death of George III. it amounted to 203,000*l.* The scandalous extravagance and corruption connected with it were, however, already attracting considerable criticism; and, between 1820 and 1830, the pension list was gradually reduced to 180,000*l.*[2] These reductions, however, did not moderate the remonstrances which were continually urged against it. A large party in Parliament demanded that the commencement of a new reign should be taken as an appropriate period for revising it; and nothing but the determination of the King to save the pensioners, and the resolution of Grey and Althorp to support the sovereign, prevented this arrangement. The pensions were saved. Pensions to the amount of 75,000*l.* a year were placed on the civil list. The residue were charged to the Consolidated Fund; and the civil list pensions

The Pension List.

[1] For the debate and divisions see *Hansard*, vol. xxxix. pp. 1160–1181.

[2] *Ibid.*, p. 149.

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were in future limited to the 75,000*l.* at which they had been fixed.[1] These limitations on what previous generations would have called the prerogative of the Crown did not, however, satisfy the Liberal party: in February 1834 they carried a resolution prescribing the conditions on which future pensions should be granted; and in April 1836 one of the more violent members of the party[2] called the pension list 'this disgusting State workhouse.'

One defence, which it would have been difficult to have met, might have been offered for the pension list. The Radicals pushed their attack by citing case after case of prodigal abuse: the Conservatives might have turned their approaches by quoting cases of unexceptionable benevolence. Among the pensioners were the two daughters of Maréchal Biron, the gallant general of the Bourbons. A short time before the American war their father had found Rodney in distress in Paris, and thrown into prison by his creditors. Biron, thinking that France had no right to deprive her enemies of the services of a gallant officer, paid Rodney's debt, opened his prison-doors, and thus enabled him to win the great victory which shed a lustre on the closing years of the American war. Years afterwards Biron's daughters, driven by the Revolution from their own country, were forced to fly to London. Poor and defenceless, their story was told to the King; and George III. sent for them, acknowledged what England owed to their father's generosity, and repaid the obligation by placing them on the pension list.

On the same list was the name of another lady, the daughter of a gallant officer who had lost his life in command of the expedition which had won St. Lucia for the Crown of England. She had nothing but the

[1] *Hansard*, vol. xxxix. p. 879.
[2] Whittle Harvey, in *ibid.*, vol. xxxii. p. 1216.

little pension of 80*l.* a year which had been conferred on her by the Legislature in return for her father's services; yet her spirit was roused by the constant reproaches with which among the rest of the pensioners she was daily assailed. 'I have indeed enjoyed my pension long,' she wrote, 'but that has been the will of God, not my fault; and it is true that, as it is my only resource, I should be glad to retain it, if I can be allowed to do so with honour and without reproach, and to receive it with that dignified thankfulness with which the daughter of a usefully brave British officer may accept a national testimony of her father's deserts; but if this cannot be, and his services are considered as having been long remunerated, why, then, Sir, I can cheerfully resign that which I hope may lessen the distress of some younger and weaker child of affliction; and being, by God's blessing, able, both in body and mind, to seek my own subsistence in the education of the children of some more fortunate family, I may perhaps find an answer to the quarterly question of my mind, whether such wages as I should then receive for my honest service were not more honourable than the degrading reception of a pension so grudgingly bestowed.'[1]

Before the Reform Act the attack on the pension list was usually directed by Graham and Hume; after the Reform Act the management of the case fell into the hands of Harvey, a Radical member, who, if his character had been only equal to his abilities, might have risen to a very high place in the ranks of the Liberal party.[2] Harvey desired to instruct the comm'ttee to which the civil list was referred to cause full examination to be made into the circumstances under which each pension

[1] *Hansard*, vol. xliv. p. 798.

[2] See *Brougham*, vol. iii. p. 267; and cf., *passim*, the debates on the refusal of the Inns of Court to allow Harvey to be called to the Bar, in *Hansard*, vol. xix. p. 470; vol. xx. p. 578; and vol. xxiii. p. 893.

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had been granted. The Ministry declined to accept Harvey's proposal, but offered, after the Civil List Committee had reported, to appoint a second committee to undertake the enquiry. The House, after some debate, assented to the proposal of the Ministry;[1] and, on the 8th of December, 1837, Spring Rice rose to give effect to it. The Ministry, however, then discovered that, in attempting to conciliate Harvey and the Radicals, they had aroused the opposition of the Conservative party. The Conservatives regarded the motion as a reflection on themselves, since the objectionable pensions had been mostly granted under the advice of Conservative ministers, and as an unjustifiable interference with the rights of individuals, since pensions, however they might have been obtained, had hitherto been considered as sacred as property, and, like property, had been made the subject of marriage settlements, and the security of creditors.[2] The annoyance of the Conservatives was moreover increased by a comparison which Harvey drew between the pauper in receipt of out-door relief and the pensioner on the civil list. The old woman who had been granted two shillings a week by Mr. Brown, the churchwarden, twenty years before, had found that her claim had been summarily extinguished by the guardians, under the New Poor Law, who had discovered that her children were earning good wages, and could easily support her. Yet how did her case differ from that of the dowager on the pension list, whose son was rolling in wealth, the fortunate possessor of the largest estates in the county? The ingenious argument caused dismay in the Conservative ranks; and a Conservative annalist, thinking it necessary to answer it, was driven to the preposterous conclusion that an allowance from the poor rate, however indefensible its origin, was as sacred as a

[1] *Hansard*, vol. xxxix. p. 185. [2] *Ibid.*, p. 914.

pension.[1] Idleness and pauperism were thus made the miserable objects for which a great party was contending.

Fortunately for the country the Conservatives were unable to secure the acceptance of their arguments. Peel, indeed, exerted his unrivalled ability in their cause; Stanley seconded Peel's efforts. But neither Stanley's eloquence nor Peel's arguments affected the result. The Ministerial proposals were carried by 295 votes to 233,[2] and a committee was duly appointed. So far as the past was concerned nothing material came of the appointment of the committee. Nothing, indeed, was likely to come of it. The House, acting on the recommendation of the Government, refused to place Harvey upon the committee,[3] which, after an elaborate enquiry, only struck 3,400*l.*, or about 2 per cent. on the whole amount, off the pension list. So far as the future was concerned, however, much advantage was derived from the discussions which took place. The Civil List Committee, instead of recommending that the pensions should be limited to 75,000*l.*, suggested that the Crown should have only the right of granting 1,200*l.* annually in pensions. On the motion of Peel the savings of one year were allowed to be granted in a succeeding year;[4] but, with this exception, the principle which was thus laid down was adopted. The power of the Crown was limited to an extent which made any abuse of its functions difficult; and the pensions on the civil list were made so insignificant as almost to escape notice.

There was one other subject connected with the civil list, which excited a good deal of attention. In addition to the hereditary revenues, which were technically the property of the Crown, the Royal family enjoyed the large incomes which attached to the Duchies

[1] *Ann Reg.*, 1837, Hist., p. 404. For Harvey's argument see *Hansard*, vol. xxxix. p. 908.
[2] *Ibid.*, p. 933.
[3] *Ibid.*, p. 1273.
[4] *Ibid.*, p. 1321.

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of Lancaster and Cornwall. These incomes were supposed in 1837 to amount to 50,000*l.* a year.[1] The income of the Duchy of Lancaster was paid into the private purse of the sovereign; the income of the Duchy of Cornwall belonged by law to the eldest son of the King of England. The property belonging to both Duchies was essentially distinct from the private estate of any individual. In the Duchy of Lancaster the estate of every person who died intestate passed to the private purse of the Crown. In both Duchies the detestable maxim, 'Nullum tempus occurrit regi' prevented any person acquiring a title against the Crown by prescription. In both Duchies the equally detestable rule, 'The Crown pays no costs,' placed everyone who had a suit with the Crown at a disadvantage. These circumstances made it clear to everyone who took the trouble to reflect upon the matter that there was a broad distinction between the property of an ordinary individual and the estates which the Royal family held as Dukes of Cornwall and Lancaster. But no one outside the limits of the Duchies took the trouble to reflect upon the subject; and the ministers, anxious for an easy life, thought that they would provoke more opposition by interfering with the property of the Crown than by allowing an abuse of which they were aware to go unremedied.[2] Instead, therefore, of insisting on the Crown surrendering its interest in the Duchies it simply undertook to improve the management of these estates; and when a private member had the courage to bring the matter before the House it stifled debate by the technical objection that the Crown had not signified its consent to the discussion.[3]

The Duchies of Lancaster and Cornwall.

The settlement of the civil list was exceptionally liberal; the appropriation to the Crown of the largely

[1] *Hansard*, vol. xxxix. p. 1122. [2] *Melbourne*, vol. ii. p. 238.
[3] *Hansard*, vol. xxxix. p. 1131.

increased revenues of the Duchies made it more than liberal; but the liberality of Parliament was only a symptom of the opinion of the public. The public rightly concluded that it was for the advantage of the nation that the Crown should be provided with an adequate revenue for the liberal support of its dignity, and that it was wiser and better that the sovereign of a wealthy nation should be a little too rich than a little too poor. It was the misfortune of the public that its advisers forgot at the same time to impress upon their minds the obvious facts that liberal arrangements, if they are to be permanently popular, should be above suspicion; and that revenues which were exceptionally public, both in their origin and in their nature, should not be dealt with as private property.

CHAPTER XV.

CHAP. XV. 1830.

THE greater portion of this history has hitherto been occupied with the domestic concerns of the British people, and the narrative has been only occasionally interrupted to trace the relations of Britain with other nations. While, however, in Britain itself the upper and middle classes were enjoying 'the wealth and peace' which were the objects of their weekly prayers, other Britains were arising in other parts of the globe, raised by new men, full of new ideas, indisposed to accept the narrow views of government which had brought the mother country to the verge of revolution. On the other side of the Atlantic was a group of colonies, inhabited by a sparse population, and situated in the immediate neighbourhood of the Great Republic which owed its origin to the revolt of its inhabitants from the arbitrary measures of a British Ministry. The Canadian colonists naturally derived encouragement and instruction from the successful example of a neighbouring democracy. In the United States, rich and poor, gentle and simple, were all equal in the eyes of the law. Every man of full age had his share in the government of his country; and the democracy, which was thus established, instead of proving the weak and incapable machine which the advocates of autocracy declared all democracies to be, was continually gaining strength and increasing in influence.

Canada.

The two Canadas were the principal colonies in North America. They had been originally won for the

Crown of Britain by Wolfe's victory at Quebec. At the time of their acquisition the population was small, and the greater part of the inhabitants were French. Throughout the American war it was the policy of the British Government to continue to the Canadians the institutions which they had received from France. In consequence, Canada, governed on French ideas, took no part with the Americans; and the war which deprived Britain of the vast territory which the United States now occupy did not wrest from her a single acre of Canadian soil. After the conclusion of the war, however, a British colony could not be permanently left under the arbitrary system of government which France had applied to it. Men with British blood in their veins were seeking their fortunes in North America, and French institutions were as strange to these men as the French language. It was decided to grant a constitution to Canada, and, in doing so, to endeavour to separate the two races. The French were entirely settled in Eastern or Lower Canada. The British settlers, on the contrary, usually passed through the lower province into the extensive tract of fertile and unoccupied country in the far west. Separate constitutions were accordingly granted to Upper and Lower Canada. In both provinces, however, the Government was modelled on the institutions which had stood the test of ages in the mother country. An exact copy of the British Constitution could not, indeed, be applied to a young colony. It was doubtless easy to make the House of Assembly a mock House of Commons; to make the Governor a mock monarch; and to surround him with an Executive Council corresponding with the Cabinet. But a British minister, in the last century, could not understand a constitution which did not comprise some equivalent to a House of Lords. Pitt's Ministry, in 1791, in granting constitutions to the two

The Constitution of 1791.

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Canadas, decided accordingly on appointing in each of them a Legislative Council nominated by the Crown. The members of each Council were addressed as 'Honourable' gentlemen, to distinguish them from the 'gentlemen' of the House of Assembly.

Both in Upper as well as in Lower Canada the Constitutions which were thus granted failed to work smoothly. But the difficulties which at once arose wore distinct shapes in the two provinces. In Upper Canada the members of the Legislative Council and the members of the House of Assembly were all drawn from the British settlers. On most subjects the two Houses were agreed; they were agreed in finding fault with the Executive Council. The Executive Council resembled the permanent heads rather than the Parliamentary chieftains of the public departments in England. Except on specified questions the Governor did not always deign to ask the advice of its members; he did not always feel himself bound to act on it; he considered that he was responsible for the good government of the colony, and that his responsibility was to the King in England, and not to the people of Canada. The decision of the Legislative Council and of the House of Assembly could be set aside by the decision of the Governor; and, except by taking the extreme step of stopping the supplies, the House of Assembly had no power to interfere. If the clock kept time, so much the better. If it went wrong, there was no choice between leaving it alone and stopping the whole machinery. The inhabitants of Upper Canada, therefore, naturally insisted that the Executive Council should be made responsible to the Provincial Legislature. They were wisely, though unconsciously, demanding the extension of what the author of 'Coningsby' would have called the Venetian Constitution to Upper Canada.[1]

The grievances of Upper Canada.

[1] For the functions of the Executive Council see Sir F. Head's ad-

The responsibility of the Executive Council was the chief question which agitated the province. But the settlers had other grievances to complain of. In the first place, the administration of the colony was in the hands of a few wealthy families. 'The bench, the magistracy, the high offices of the Episcopal Church, and a great part of the legal profession,' were filled by their adherents, and, by grant or purchase, they had acquired nearly all the waste lands of the province.[1] In the next place, lax and corrupt administration had brought the province to financial ruin. It had accumulated a debt of 1,000,000*l.*; it only enjoyed a revenue of 60,000*l.* a year; and it was consequently trembling on the verge of bankruptcy.[2] In the third place, the geographical position of the province interfered with its development. Lower Canada blocked its only road to the sea, and subjected every emigrant from the mother country, every bale of goods from the colony, to vexatious impediments. Such were some of the grievances of the primitive settlers in Upper Canada. It is not too much to say that not one in every hundred persons in the British Legislature attempted even to understand them.

The grievances of Lower Canada.

Lower Canada had grievances of another character. On the division of the colony into two provinces, in 1791, Lower Canada had been left in possession of its old institutions. Descended from the original French settlers, its inhabitants led the happy, easy, and unambitious existence which Longfellow has described other French colonists enjoying in 'Acadie, home of the happy.' They had brought with them from France the same 'central, ill-organised, unimproving, and repressive despotism' which they had left behind them in their own country; and, free from the contagion of revolutionary

dresses, reprinted in the *Ann. Reg.*, 1836, Chron., p. 291.

[1] *Lord Durham's Report*, Parliamentary Papers, 1839, vol. xvii. p. 53.

[2] *Ibid.*, p. 68.

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principles, they remained 'an old and stationary society in a new and progressive world.' By degrees emigration introduced a few English settlers among these contented and unambitious people. The first British immigrants were quickly followed by others. Active, amidst the inactivity around them, they soon absorbed the entire wholesale, and a large portion of the retail, trade of the province. They purchased vast tracts of land; and the unhappy Frenchmen saw that, in the struggle for existence, they were being gradually crushed out by the new incomers.[1]

Under other circumstances the two nations might possibly have blended. Unhappily, British and French settlers showed no disposition to blend. They spoke distinct languages; they read distinct books; they purchased distinct newspapers; they sent their children to distinct schools; they frequented distinct hotels; they placed their money in distinct banks; and they even competed at agricultural associations for distinct prizes.[2] Within the narrow limits of one colony there were thus collected two races, whose representatives seldom or ever met in society; whose leading spokesmen refused to combine for even common objects; and who each regarded every public question from an exclusive standpoint. Numerically the French had the advantage: in everything but numbers the British settlers enjoyed a superiority over their opponents; while, as the British were constantly increasing and the French were stationary, the single advantage which the French enjoyed was being continually lessened.

It was natural that the British settlers in the colony should object to the institutions which had been established in it in 1791. They brought with them from England the free ideas of the nineteenth century; and they found a colony submitting to a system which France

[1] *Lord Durham's Report*, pp. 12, 13, 14. [2] *Ibid.*, pp. 15, 17.

had discarded in 1789. They continually agitated for the application of English principles to the dependency; and they succeeded in obtaining two Acts—the Canada Trade Act and the Canada Tenures Act[1]—which placed the newly-settled land of the colony under English law. The success which they thus achieved alarmed the unprogressive race among whom they had settled. The French colonists, possessing a superiority in numbers, could, of course, command a majority in the House of Assembly. Slowly appreciating the advantage which this circumstance gave to them, they filled the Lower House of the Legislature with their own representatives. Successive Governors, frightened at the determination of the French to control the government, took the precaution of filling the Legislative Council with the representatives of British settlers. The Government of the colony was thus conducted on the principle of using opposite forces. The Lower House of the Legislature was almost exclusively French, the Upper House exclusively British. It resulted that while, in Upper Canada, both Houses of the Legislature were intent on making the Executive Council responsible to themselves, the majority of the Lower Canadians were desirous to reform the Legislative Council.

The land question in the Canadas.

Excuses for reform were, unluckily, furnished by the wretched conduct of the British authorities. One hundred years ago a British colony was regarded by the governing classes at home as a convenient provision for persons who were well born. The whole of the minerals in Cape Breton, for instance, were lavishly granted to the Duke of York, and assigned by the Duke to his numerous creditors.[2] A grant of this character, of course, did little good to prince or creditors; but it seriously

[1] 3rd George IV., c. 119; 6th George IV., c. 59.

[2] *Hansard*, vol. xlviii. p. 895. Tories like Inglis defended even this gross abuse. *Ibid.*, p. 914. Cf. *ibid.*, vol. lii. p. 6.

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interfered with the development of the colony. Royal Dukes were not, however, the only favoured persons. The Church had been granted one-seventh of all the land in Canada; the Crown retained another seventh of the land in its own hands. Church land and Crown land were usually unreclaimed. The rest of the land was commonly granted to wealthy jobbers; and a single land company had been given a huge portion of the waste lands of Lower Canada for a sum of 120,000*l*. This system, of course, interfered with the development of the colony. Emigrants hesitated to clear a little patch of soil, when they knew that their settlement would be surrounded by forest, and that there would be no one to help them make roads or to assist in opening up the country. In consequence most emigrants crossed the border and entered the territory of the United States. The statesmen of the Great Republic had too much wisdom to parcel out their soil among Churchmen, Princes, and Companies. They assigned the land to the people who settled on it; and, in consequence, the land in every case was carefully cultivated. 'On the American side of the frontier all is activity and bustle; on the British side, with the exception of a few favoured spots, all is waste and desolate. It may perhaps be supposed,' added the report from which this description is taken, 'that the American side is of very superior natural fertility.' Enquiry soon disposed of the illusion. 'Superior natural fertility belongs to the British territory.'[1]

The follies which had disgraced the Land Department of the Canadas would almost have justified rebellion. Corruption, however, was not confined to the Land Department. The estates, which the Jesuits had originally held, were assigned by the British Government for purposes of education. Tory statesmen saw no harm in

[1] *Lord Durham's Report*, Parliamentary Papers, 1839, vol. xvii. pp. 75, 76.

dealing with the property of a Roman Catholic Church in Canada, on principles which they were shocked to think that their adversaries wished to apply to the property of a Protestant Church in Ireland. It would have been well, indeed, for the reputation of British statesmen if they had carried out this arrangement. But successive Governors, instead of devoting the funds of these estates to the purposes of education, made them supply a species of secret service fund.[1] They declined to attend to the remonstrances of the Provincial Legislature and continued their misappropriations. They perhaps thought that the growing boldness of the House of Assembly made a secret service fund more than ever necessary. It was not, indeed, until some years after the commencement of the nineteenth century that the House of Assembly of Lower Canada learned its power and resolved on exerting it.[2] It could only use its full strength by insisting on maintaining a complete control over the expenditure of the colony.

The struggle between the House of Assembly and the Crown.

The revenues of Lower Canada were divisible into three classes. The first consisted of certain duties imposed on the colony by an Act of 1774,[3] in place of those which had existed at the time of the conquest. The second was composed of duties, subsequently imposed by the colonists themselves, which an Act of 1788[4] had placed under the control of the Provincial Legislature. The third comprised the casual, territorial, and hereditary revenues of the Crown, and depended mainly on the receipts from the sale of land and other similar sources. There was no doubt whatever that the Act of 1778 had placed the revenue of the colony, granted after the date of it, under the control of the Provincial Legislature. The Canadians, however, contended that

[1] Parliamentary Papers, 1839, vol. xvii. p. 49.
[2] *Ibid.*, p. 28.
[3] 14th George III., c. 88.
[4] 18th George III., c. 12.

CHAP. XV. 1831.

the Act of 1778 ought to be interpreted retrospectively, and that the entire revenues of the colony should be placed under their own control. Such a claim ought to have been conceded, at once, by a British minister. The British ministers of the earlier portion of the present century were too much occupied with the affairs of Europe to pay much heed to the wishes of Canada. From 1810 to 1828 the colony vainly urged its claims. At last, in 1828, a petition signed by 87,000 inhabitants of Lower Canada was referred to a committee of the House of Commons. The committee, swayed by the wise advice of Huskisson, took the side of the colonists;[1] and Parliament, in 1831, was induced to pass an Act placing the revenues which existed in 1774 at the disposal of the colony.[2]

This concession, if it had been made a few years before, would probably have restored peace between the mother country and the colony. In 1831 Lower Canada was not pacified by it. The House of Assembly, animated by its victory, demanded the further surrender of the hereditary revenues; it demanded the repeal of the Tenure Act; and it insisted on the disestablishment of the Land Company. In the contest, which thus arose between the mother country and the colony, the Legislative Council sided with the Crown. The Legislative Council, composed of British settlers, chosen by the Governor, could hardly have been expected to do otherwise. The House of Assembly, however, saw that its own efforts were frustrated by the attitude of the Legislative Council, and demanded that the Legislative Council should be made elective. This demand—the most serious which had yet been urged—would never have been raised if the Ministry had, in the first instance, dealt promptly with the demands of the Canadians.

[1] Parliamentary Papers, session 1828, vol. vii. p. 375.
[2] 1st & 2nd William IV., c. 23.

Raised at last, it seemed one which it was impossible to concede. The Legislative Council represented the interests of the British immigrants, while the House of Assembly reflected the opinions of the French colonists. A British minister could hardly sacrifice the growing British population for the sake of complying with the wishes of the descendants of French settlers. Instead, therefore, of assenting to the demand of the House of Assembly, the ministers doubted the prudence of the course which they had pursued in 1831; and Stanley, who had succeeded Goderich at the Colonial Office, actually desired to repeal the Act, which had placed nearly all the revenues of the colony at the disposal of the Colonial Assembly.

The colonial party in Lower Canada was led by Papineau, a Canadian of French extraction, and a man of ability and decision. Papineau saw clearly enough that the French party in the colony was superior to its opponents in numbers; he saw, also, that the minority was becoming every year more formidable. Time, therefore, in Papineau's judgment, was on the side of Britain, and the interest of the colony demanded that the measures which it was intended to take should be taken precipitately. Papineau himself desired to sever the connection of the colony with the mother country, and to constitute Lower Canada into an independent State. The House of Assembly was hardly prepared to adopt the extreme advice of its bold leader. It satisfied itself with the milder expedient of stopping the supplies. From the 31st of October, 1832, no provision was made for the administration of justice or for the support of the civil government in the colony. The public officers were left unpaid. The arrears due to these persons amounted, on the 10th of April, 1837, to 142,160*l.*[1]

The House of Assembly stops the supplies.

[1] The two sides of the Canadian question are well stated by Russell, in

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Efforts, indeed, were constantly made in the interval to terminate the deadlock which had thus arisen in the government. In Canada the House of Assembly passed a series of ninety-two resolutions,[1] enumerating their grievances and asking for redress. In England, Roebuck persuaded the House of Commons to appoint a committee to investigate the claims of the colonists.[2] Little, however, resulted from the representations of the Canadians or from the deliberations of the committee. Whigs and Tories in England took a much more immediate interest in the crises which were destroying the Whig Ministry than in the agony of a distant colony; and the affairs of Canada were still unsettled when Peel succeeded Melbourne, and Aberdeen was appointed to the Colonial Office. Amidst the numerous subjects which engaged his attention Peel did not neglect the troubles of the Canadians. He decided on sending the late Speaker of the House of Commons, who had been created Lord Canterbury, to Canada, with power to enquire into and redress the grievances of the colonists. A politician who, though he was a Tory, had presided over the deliberations of the House of Commons for seventeen years, who had been originally nominated to the chair by Liverpool, and whose appointment had been renewed by Grey, seemed admirably qualified to settle a disputed question. Canterbury, in the first instance, accepted the distinguished post;[3] a little consideration, however, induced him to recall his decision. Peel's Government was evidently weak. Canterbury could hardly expect that the Whig Ministry would adopt the policy of its opponents; and he feared that ill-natured people

Peel wishes to send out a commissioner to enquire into and redress grievances.

Hansard, vol. xxxvi. pp. 1287; and Roebuck, *ibid.*, pp. 1335. See, *passim*, the whole debate; and cf. Glenelg's speech, *Hansard*, vol. xxxviii. p. 707, as well as the Parliamentary Papers already quoted.

[1] Parl. Papers, 1836, vol. xxxix. p. 172.

[2] *Hansard*, vol. xxii. p. 767.

[3] *Ibid.*, vol. xxvi. p. 1133.

might take the opportunity of saying ill-natured things about Lady Canterbury, whose antecedents hardly qualified her to play the Queen in Canada.[1] These reasons induced him to refuse the honour which had been offered to him; and Peel, in consequence, decided to entrust the arbitration to Lord Amherst.[2] It was hoped that an amiable nobleman, animated by the best intentions, might succeed in infusing peace into the quarrels of a distracted colony.

The experiment which Peel intended to make was not carried out. His Ministry fell, and the Whigs had necessarily to consider whether they should adopt his Canadian policy. Melbourne and Glenelg hesitated to entrust so important a duty to a single person. Instead of confiding the task to one man they decided on naming three commissioners, with power to investigate, without redressing, the grievances of the colonists. They decided at the same time to recall Lord Aylmer, the Governor of Lower Canada, and Sir John Colborne, the Lieutenant-Governor of the Upper Province. Amherst naturally resented the alteration in his powers, and declined the mission;[3] and the Ministers thereupon made the Earl of Gosford, a neutral nobleman, Governor of Lower Canada and president of the commissioners; and Francis Head, a young officer who had served as a Poor Law Commissioner, Lieutenant-Governor of the Upper Province.[4] They associated with Gosford Sir Charles Grey, who had been Chief Justice of Bengal, and Sir George Gipps, a military officer. The commission which was thus constituted did not seem very well calculated to compose the differences which had arisen. Gipps had 'a leaning towards liberality'; Grey was 'a high Tory'; and Gosford had to mediate between what

The Whig Ministry appoint three commissioners.

[1] *Greville*, vol. iii. p. 234.

[2] It had been offered first to Stratford Canning. For Lord Amherst's appointment see *Hansard*, vol. xxvii. p. 836.

[3] *Hansard*, vol. xxviii. p. 723.

[4] *Ann. Register*, 1836, Hist., p. 313.

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adverse critics called the snarling Whig and the arrogant Tory.[1] It was almost certain that differences would arise between Gipps and Grey. Differences were made unavoidable by the reckless conduct of the King. William IV. chose to tell Grey; in the presence of his ministers, that he was to assert the prerogative of the Crown, which persons who ought to have known better had dared to deny, and that he was to recollect that Lower Canada had been conquered by the sword. A week afterwards the King followed up his speech to Grey by a still more discreditable address to Gosford. 'I will never consent,' he said, with an oath, 'to alienate the Crown lands, nor to make the Council elective. Mind me, my lord, the Cabinet is not my Cabinet. They had better take care, or by —— I will have them impeached.'[2] If Melbourne had felt any respect for his own character he would have insisted on the King's withdrawing his ill-advised declarations. Instead of doing so Glenelg and he softened the formal instructions which were issued to the commissioners, for the sake of pacifying their irritated sovereign. The constitution of the Legislative Council was the main grievance of Lower Canada; and the constitution of the Legislative Council was the one thing which the King was determined not to alter. 'The King'—so the instructions to the commissioners ran—'is most unwilling to admit as open to debate the question whether one of the vital principles of the provincial government should undergo alteration.' His Majesty, indeed, could not 'forget that it is the admitted right of all his subjects to prefer to him, as King of these realms, their petitions for the redress of any real or supposed grievances. The acknowledgment of that right appears to

William IV.'s intemperate speech to Gosford and Grey.

[1] The language is Mr. Roebuck's. Cf. *Hansard*, vol. xxxvi. p. 1344.

[2] For the speech to Grey see *Greville*, vol. iii. p. 272; for that to Gosford, *Edinburgh Review*, vol. cxxxiii. p. 319.

the King to imply on his own part the corresponding duty of investigating the foundations of every such complaint. His Majesty, therefore, will not absolutely close the avenue to enquiry, even on a question respecting which he is bound to declare that he can for the present perceive no reasonable ground of doubt. . . . The King is rather induced to adopt this course because his Majesty is not prepared to deny . . .. that the plan upon which the Legislative Council is constituted may possibly in some particulars be usefully modified, or that some practical errors may have been committed by the Council, against the repetition of which adequate security ought to be taken. Yet, if these suppositions should be completely verified, it would remain to be shown by the most conclusive and circumstantial proof that it is necessary to advance to a change so vital as that which is demanded by the House of Assembly.'[1] Such language as this might almost have been dictated by a Metternich or an Alexander: it was not adopted by William without a severe struggle.[2]

History was, in fact, repeating itself. Half a century before, the folly of a British Ministry, and the obstinacy of George III. had deprived the country of its noblest colony. The obstinacy of William IV. and the weakness of the Whig Ministry were imperilling the connexion between the mother country and her remaining possessions in North America. The difficult task which had been entrusted to Gosford and Head was made infinitely more difficult by the conduct of the monarch and his advisers. Gosford, on arriving in Canada, did not venture to publish the instructions which he had received from the Government; he contented himself with describing them as liberal, and in paying marked attention to the Colonial Reformers. He begged the

Lord Gosford in Canada.

[1] Parliamentary Papers, 1836, vol. xxxix. p. 13.
[2] *Melbourne*, vol. ii. p. 147.

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House of Assembly to provide for the arrears of pay which were due to the public officers; and to trust to the results of enquiries which he and his brother commissioners were making. It is possible that if Gosford had been alone in Canada he might have succeeded in obtaining the supplies of which his Government was in urgent need. While, however, he was endeavouring to humour the House of Assembly of Lower Canada, Head arrived in the Upper Province, published his own instructions, and annexed, in an appendix to them, extracts from the instructions to Gosford. Head's frank conduct brought matters to an issue. In Upper Canada the Executive Council remonstrated against the conduct of the Governor; the House of Assembly sided with the Council; and the Governor, exercising his prerogative, dissolved the Legislature.[1] In Lower Canada the reformers, learning for the first time the real nature of the instructions which Gosford had brought out with him, resolved on an address to the Crown, reiterating all their demands, and on only granting a six months' supply.[2] 'Respecting as we do the expression of the Royal pleasure'—so part of the address ran—'we yet regret that the ministers of the Crown should have declared that your Majesty was most unwilling to admit that the question of an elective Legislative Council was a subject open to debate in this province. We beg to be permitted to represent to your Majesty that it is not within the power of the Colonial Secretary to limit the subjects which are to engage the attention of this House. Against this infringement of the liberties of the subject, by one of your Majesty's responsible servants, we dare to appeal to the supreme authority of the empire, to that of your Majesty, sitting in the High Court of Parliament.' It was impossible to doubt that the prin-

[1] *Ann. Reg.*, 1836, Hist., pp. 313–317; and Chron., pp. 288–295.

[2] *Ann. Reg.*, 1836, Hist., p. 319; and Chron., p. 301.

ciples of constitutional government were understood more correctly by Papineau and the Canadians than by William and Glenelg.

The tension in the relations between the mother country and the colonies had been increased by the measures which had been taken to reduce it. In Upper Canada, indeed, the policy of Head was attended with considerable success. The new Assembly was composed of pliant materials, and addressed itself to the ordinary duties of government with diligence and success.[1] But the difficulties of Upper Canada had never been so great as those which confronted the authorities in the sister colony. There Gosford and his brother commissioners were of opinion that the challenge, which the House of Assembly had practically given, should at once be accepted; that the Act of 1831 should be repealed; and that the control of a great portion of the colonial revenues should be thus taken out of the hands of the House of Assembly. The Whig Ministers hesitated to adopt the advice which they thus received from their commissioners. Their hesitation was increased by the circumstance that the House of Assembly had not definitely refused supplies, but had granted the supplies which they had voted for only a short period. Instead, therefore, of resorting to repression, the Cabinet again decided to resort to measures of conciliation. Glenelg, on the 7th of June, 1836, was instructed to reply to the remonstrance of the House of Assembly. It was the object of his reply to explain away the impression which had been produced by the publication of extracts from Gosford's instructions. The extracts, it was pretended, only imperfectly represented the real meaning of the instructions. The instructions, it was argued, gave the commissioners full power to enquire into every subject connected with the colony and its government which was brought

Glenelg's explanatory despatch.

[1] *Ann. Reg.*, 1836, Chron., pp. 295-300; and *ibid.*, 1837, Hist., pp. 241-245.

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under their notice; and the hesitation of his Majesty to admit the necessity of any change in the constitution of the Legislative Council was construed as an intimation that there should be 'two distinct and independent Houses of Legislature.'[1] Such a declaration, frankly offered in 1835, might possibly have averted the danger of civil war. Forced from the Ministry in 1836, it only emphasised the folly of their policy.

Glenelg's conciliatory despatch did not terminate the crisis. The House of Assembly, on receiving it, resolved that it was still their duty, as well as for the advantage of the people, to persist in its demands. 'The correction of abuses and the redress of grievances ought to precede the grant of a supply; and, therefore, the House still felt itself compelled to adjourn its deliberations until his Majesty's Government shall by its acts, especially by rendering the second branch of the Legislature conformable to the wishes and wants of the people, have commenced the great work of justice and reform, and created a confidence which can alone crown it with success.'[2] It was impossible to misunderstand the meaning of this address. It was drawn up—so thought Glenelg—'in a tone of menace and defiance which left no doubt as to the feeling and determination of the body from which it emanated.'[3] It was true that the contest in which Lower Canada was engaged was in many respects similar to the memorable struggle which the English Parliament had maintained with the Crown a century and a half before. The House of Assembly was only asserting the right of the colony to self-government, and to the complete control of its own finances; and Papineau was only playing in Canada the glorious part which an Eliot or a Hampden had played

The House of Assembly of of Lower Canada refuses to give way.

[1] See Lord Glenelg's speech, *Hansard*, vol. xxxviii. p. 707; and cf. his despatch, in *Ann. Reg.*, 1836, Chron., p. 306.

[2] The address is printed in *Ann. Reg.*, 1836, Chron., pp. 309-315.

[3] *Hansard*, vol. xxxviii. p. 719.

in England. These great truths were not appreciated by politicians like Glenelg, who fancied that the whole art of government was contained in the dusty pigeonholes of Downing Street, and who suffered their plastic opinions to be moulded by the hands of their irresponsible advisers, or swayed by the whims and passions of an eccentric sovereign. Nothing but concession could avert the civil war which was obviously preparing, and the Whig Ministry decided on conceding nothing. On the 6th of March, 1837, Russell asked the House of Commons to adopt a series of resolutions reciting the difficulties which had arisen; declaring that it was inexpedient to make the Legislative Council elective; that it was necessary to retain the rights of the Land Company; and authorising the Receiver-General of the colony to apply any balances in his hands arising from his Majesty's hereditary, territorial, and casual revenues to the payment of the arrears due for the support of the civil government of the colony.[1]

Russell's resolutions excited a good deal of debate. The Radicals declared that the question in Canada was identical with the question in Ireland; that the Canadians were only claiming the privileges of self-government which the Whigs were themselves endeavouring to obtain for Irish municipalities; and put up Leader, the member for Bridgewater, to move an amendment affirming the expediency of making the Legislative Council elective.[2] The reputation of the politician who led the Opposition on this occasion has not survived his active career in Parliament. In 1837 he was universally recognised as one of the most energetic of the English Radicals. His efforts were seconded by those of a more interested advocate. Roebuck had, some months before, accepted the position of paid agent to the Canadians. His position in the House of Commons

Russell's resolutions.

[1] *Hansard*, vol. xxxvi. pp. 1287, 1305. [2] *Ibid.*, pp. 1306, 1314.

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became in consequence the object of suspicion; and in 1836 the House was asked to affirm that it was contrary to its independence, a breach of its privileges, and derogatory to its character for any of its members to become the paid advocate of any portion of his Majesty's subjects.[1] The House declined to enforce against Roebuck a rule which it had not applied either to Burke or to Huskisson, and Roebuck was consequently permitted to continue the paid advocate of the Canadians. All that eloquence could do Roebuck did for his clients. But his efforts were useless against the compact body of the Whigs assisted by the whole strength of the Tory party. Leader's amendment was rejected, after two nights' debate, by 318 votes to 56;[2] and the first four of Russell's resolutions were carried after repeated divisions.[3] In passing them the House definitely committed itself to the opinion that it was inexpedient to make the Legislative Council of Canada an elective body.

The Radicals had experienced a decisive defeat. They did not, however, abandon the struggle. On the 14th of April they endeavoured, in a debate on the fifth resolution, to procure the abolition of the Legislative Council, and were beaten by 269 votes to 46.[4] On the 21st of April the resolutions affirming the rights of the Land Company were carried by 166 votes to 6,[5] and three days afterwards the other resolutions were adopted.[6] On the 1st of May they were communicated, in a conference, to the Lords.[7] The Lords were not likely to resist a proceeding which insisted on the prerogative of the Crown and enforced the rights of an Upper Chamber. Brougham alone raised his voice and lodged his protest against the policy of the Ministry. His solitary

The resolutions carried.

[1] *Hansard*, vol. xxxiv. pp. 1107, 1111. The motion, which was made by Sir John Hanmer, was rejected by 178 votes to 67. *Ibid.*, p. 1117.
[2] *Ibid.*, vol. xxxvii. p. 138.
[3] *Ibid*, p. 144.
[4] *Ibid.*, p. 1290.
[5] *Ibid.*, p. 216.
[6] *Ibid.*, p. 250.
[7] *Ibid.*, p. 405.

remonstrance excited no attention. The Lords at once adopted the resolutions which the Commons had already passed;[1] and the decision of the Legislature was formally communicated to Gosford. On his part Gosford at once summoned the Provincial Parliament: he laid the resolutions of the British Legislature before it; and he added that, if the House of Assembly would only grant a supply, he was instructed to refrain from exercising the powers with which the Imperial Parliament had vested him for discharging the arrears of pay due to the servants of the colony.[2]

Gosford had met the House of Assembly with a threat and a bribe. The bribe proved the weakness of the threat: the threat deprived the bribe of its value. The House of Assembly, instead of yielding, declared it to be its duty to tell the mother country that, 'if she carries the spirit of these resolutions into effect, her supremacy will no longer depend on the feelings of affection, of duty, and of material interest, which would best secure it, but on physical force.' On the 27th of August, Gosford, alarmed at the language which he had provoked, dissolved the Assembly. Its dissolution proved that the Canadians shared the feelings of their representatives. Meetings had already been held throughout the province, at which resolutions, denouncing the use of British goods, and encouraging smuggling across the American frontier, had been openly carried. These meetings became more formidable after the dissolution of the House of Assembly. Riots occurred; the troops were called out; and the colony assumed the appearance of open war.

Rebellion in Canada.

Lower Canada was visibly preparing for revolt. It was doubtful whether Upper Canada would join the sister colony. There were many discontented spirits

[1] *Hansard*, vol. xxxviii. pp. 731, 748.

[2] Lord Gosford's address is reprinted in *Ann. Reg.*, 1837, Chron., p. 299.

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among the Upper Canadians, who were notoriously ready to sympathise with, and assist, the efforts of Papineau. Under the circumstances most men would have endeavoured to strengthen their position. Head, on the contrary, with the true genius of a ruler, placed the whole of the troops in the colony at Gosford's disposal, and threw himself for protection on the Militia and citizens of the province. His wise boldness was based on the opinion that victory in civil war must eventually declare itself in favour of moral and not of physical preponderance. The result fully justified his confidence, and ought to have obtained for him the warm approval of his employers at home. The foolish officials who regulated the Colonial Office could not understand a policy which was both eccentric and novel, and suffered Head to retire from his office. He was succeeded by Colonel Sir G. Arthur. A more extraordinary choice could not have been made. Arthur had served as Governor of Van Diemen's Land for twelve years. In that capacity he had wielded a despotic authority over a convict population. His conduct had been approved by his employers, but it had excited indignation in Parliament, and the pages of Hansard are full of serious stories of Arthur's harsh conduct to the troops under his orders and the convicts under his rule.[1] These stories were, probably, grossly exaggerated. The mere fact that they were repeated and believed ought to have made the Ministry hesitate to select him for the government of a discontented colony.

Head in Upper Canada.

News of the troubles obviously preparing in Canada arrived in this country in the autumn of 1837. It so happened that the new Parliament, elected after the Queen's accession, had been summoned for an autumn

[1] For Col. Arthur's conduct as a military man see *Hansard*, vol. xxxii. p. 1081; for his conduct as Governor of Van Diemen's Land see Sir W. Molesworth's remarks in *ibid.*, vol. xxxix. p. 1465. But cf. Sir G. Grey's defence of this officer, *ibid.*, pp. 1470, 1471.

session to make the necessary provision for the civil list of the new sovereign. It had been intended that it should separate on the 22nd of December for a six weeks' holiday. On the eve of its adjournment, however, reports appeared in the public newspapers of more formidable disturbances in the colony than had previously occurred. It was stated that British troops had been brought into conflict with the colonists, and that the troops had been worsted in the contest. Unable to contradict these reports, reluctant to confirm them, ministers only ventured to adjourn the Legislature till the 16th of January, and even this adjournment was not conceded without serious debate. The Radicals naturally declared that the troubles which had arisen were due to the resolutions which they had themselves vigorously opposed. Furious at the rejection of their own advice, they made the mistake, which the British people never forgives, of praying for the discomfiture of the British arms. 'If unhappily a war does ensue,' said one of them,[1] 'may speedy victory crown the efforts of the Canadians, and may the curses and execrations of the indignant people of this empire alight upon the heads of those ministers who, by their misgovernment, ignorance, and imprudence, involve us in the calamities of civil discord, and expend our national resources in an unholy struggle against liberty.'

The struggle, however, did not prove very serious. The British troops, under the command of Colborne and Wetherall, were able to obtain an easy victory over the insurgents. Papineau himself retired to the United States; and within a month after the first outbreak of hostilities the contest was closed. But the war embittered the feeling of the French Canadians against the mother country, and produced a serious difficulty with the United States, where many people sympathised with

[1] Sir W. Molesworth. *Hansard*, vol. xxxix. p. 1467.

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the insurrection of the Canadians.[1] Exceptional measures were evidently necessary. On Parliament reassembling, Russell told the House of Commons that the Ministry had decided to suspend the Constitution of Lower Canada for three years; to send out Durham to Canada; to authorise him, in concert with any five of his Council, to pass laws; and to empower him to summon three members of the Legislative Council and ten members of the House of Assembly of each of the Canadas, to deliberate on the affairs of the two provinces.[2] The proposal was resisted by the Radicals, who endeavoured to throw the responsibility of the insurrection on the Government.[3] The Conservatives, in their turn, taunted the Radicals with encouraging the insurgents by their language.[4] A few men endeavoured to resist a measure which suspended the autonomy of a great colony: the great majority saw that, in the presence of revolt, exceptional powers were inevitable. Notwithstanding the arguments of Hume, Leader, and Molesworth, and the efforts of Roebuck, who, as agent for the Canadians, was heard at the Bar,[5] the House of Commons adopted the resolutions which the Ministry suggested, and resolved itself into a committee on the bill which they introduced to give effect to them by 262 votes to 16.[6]

The Ministry send Durham to Canada.

The success, however, which had thus been secured was only temporary. The preamble of the bill, as it was originally drawn, recited the proceedings which Durham had been instructed to take for the purpose of obtaining a deliberative Council on the future of the Canadas. Peel objected that this preamble committed the House to the policy of the Ministry, and forced the Government to withdraw it.[7] The bill enabled the Queen in

[1] The correspondence on this subject will be found in *State Papers*, vol. xxv. p. 917; the President's proclamation in *Ann. Reg.*, 1838, Chron., p. 317.

[2] *Hansard*, vol. xl. p. 7.

[3] *Ibid.*, p. 54.

[4] *Ibid.*, p. 80.

[5] *Ibid.*, p. 265.

[6] *Ibid.*, p. 460.

[7] *Ibid.*, vol. xl. pp. 504, 543.

Council to terminate the law. Peel compelled the Government to abandon this power.[1] The bill enabled the Governor, with the assent of a quorum of his Council, to frame laws for the colony. The Conservatives compelled the Ministry to accept an amendment which precluded the Governor from altering any Act either of the United Parliament or of the Colonial Legislature.[2] With these alterations the bill was sent to the Lords. Notwithstanding the vigorous opposition of Brougham it was rapidly passed by them;[3] and Durham, armed with the special powers which Parliament had entrusted to him, set sail for Canada.

Lord Durham's character.

The man who was thus selected to conciliate the Canadians seemed admirably adapted for the difficult task which had been thrust on him. Durham had been the advocate of Radical reform when Radical reform was unpopular; he had been a member of the committee of the Grey Cabinet which had drawn up the first Reform Bill; he was in favour of secret voting; and he had met Brougham's pacific speech at Edinburgh with the memorable rejoinder that he saw with regret 'every hour which passes over recognised and unreformed abuses.' A politician who thought the Reform Act inadequate; whose appetite for change had not been satiated by the measures of 1832, 1833, and 1834, naturally seemed to the Radicals of 1838 a statesman after their own heart. The praises which they showered on him at the time have been repeated by later writers, and Durham has been made the subject of uncompromising eulogy. Yet few men were less deserving of undiscriminating flattery. His undoubted abilities were rendered useless by a want of tact and

[1] *Hansard*, vol. xl. p. 549.
[2] *Ibid.*, pp. 590, 596.
[3] *Ibid.*, p. 886. It was in the debates on Canada that Wellington used the phrase, 'A great country like this could have no such thing as a little war.' *Ibid.*, p. 4. Gleig's *Life of Wellington*, vol. iv. p. 257, reports this: 'A great country ought never to make little wars.'

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judgment; his overbearing temper vented itself on one occasion in a savage attack on his chief and father-in-law, Grey; his ambition exposed him on another to a struggle with Palmerston. Such a man was not likely to succeed in a delicate negotiation with discontented colonists. Like many other Reformers, Durham was, in fact, a dictator by instinct. His mission to Canada afforded him ample opportunity for displaying his real character. He reached Quebec on the 29th of May. Two days after his arrival he dismissed the Council which his predecessor had appointed,[1] and selected a new Council from among officers of the Government. Four weeks afterwards he selected a special Council of five, consisting of officers attached to his own person, and having no acquaintance with Canadian politics. On the same day he persuaded the Council thus constituted to authorise the transportation to Bermuda of eight Canadians who had participated in the rebellion, and who were in custody; and to direct that Papineau and fourteen others who had left the colony should suffer death in the event of their return to it.[2] A proclamation which accompanied the ordinance proclaimed a general amnesty to all Canadians except these twenty-three.

His proceedings in Canada.

News of these high-handed proceedings reached England in July. Parliament had intended to give the Governor-General an independent and deliberative Council. Durham had composed a Council of his own creatures, and had not even allowed it time for deliberation. Parliament had intended to vest the Governor-General and his Council with power to legislate consistently with the laws of England and Canada; and, in defiance of law, Durham had sentenced unconvicted persons to transportation, and had condemned

[1] *Hansard*, vol. xliii. p. 1220. *Ann. Reg.*, 1838, Chron., p. 304. Cf. *ibid.*, Hist., p. 254.

[2] The ordinance is reprinted in

other persons to suffer death if they ventured to return to Canada. These measures, which would have disgraced a Stuart, were accompanied, moreover, by a technical blunder. Parliament had given Durham large authority in Canada, but it had not authorised him to exercise any power in Bermuda; yet Durham had the insolence to send his prisoners to Bermuda. The Governor of that colony had the good sense to see that he had no power to detain them, and wrote to Durham begging that they might at once be removed.[1] His remonstrances emphasised Durham's want of judgment, and threw new light on the Governor-General's incapacity for rule.

That incapacity was quickly denounced in Parliament. Sugden, in the House of Commons, declared that Durham had violated the spirit of the Canada Act by confining his special Council to five members. Brougham, in the House of Lords, taking wider ground, objected to Durham's ordinance as an open contravention of the law of England; since it ordered the transportation of unconvicted persons, and enjoined their detention in a colony over which Durham had no power.[2] The ministers at once admitted that the mention of Bermuda was a blunder; they justified the rest of the ordinance by referring to the difficulties with which Durham had been surrounded. Such an excuse did not, of course, pacify Brougham. He was not likely to feel much pity for a Ministry which had excluded him from office, or for a politician whose attack upon him in 1834 had prepared the way for his fall. By a singular circumstance he was afforded an opportunity of avenging himself, and of displaying his affection for constitutional principles in doing so. He would have hardly been a man, he certainly would not have been

Attack upon Durham.

[1] *Ann. Reg.*, 1838, Hist., p. 257.

[2] For Sugden's speech see *Hansard*, vol. xliv. p. 820; for Brougham's, *ibid.*, p. 1019.

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Brougham, if he had neglected the opportunity. Encouraged by the cheers of the Conservatives, and by the feeble reply of his own friends, he followed up his attack by introducing a bill for explaining the Canada Act and 'indemnifying those who have issued or acted under a certain ordinance made under the colour' of it. The bill was read a second time on the 9th of August by a considerable majority;[1] and on the following day Melbourne told the Lords that the Ministry was prepared to disallow the ordinance, and to accept the indemnity clauses of Brougham's bill.[2] Brougham had the satisfaction of reflecting that he had won a signal victory. In his old age he had the effrontery to add to his own memoirs a description of Durham's character, and to claim that, by inducing the Legislature to pass the Indemnity Act, he had saved his old opponent from the consequences of his conduct.[3]

Durham resigns,

Glenelg at once communicated to Durham the disallowance of the ordinance. But Durham had already learned from an American newspaper the proceedings in the Legislature; and at once resolved to retire from a post in which he had incurred the obloquy of his enemies and only received feeble support from his friends. He had the imprudence, in doing so, to appeal from his employers to the Canadians. 'From the very commencement of my task,' he wrote—while nominally proclaiming the Indemnity Act—'the minutest details of my administration have been exposed to incessant criticism, in a spirit which has evinced an entire ignorance of the state of this country, and of the only mode in which the supremacy of the British Crown can be upheld and exercised. Those who have in the British Legislature systematically depreciated my powers, and the ministers of the Crown by their tacit acquiescence therein, have

[1] By 54 to 36. *Hansard*, vol. xliv. p. 1103.

[2] *Ibid.*, p. 1127.

[3] *Brougham*, vol. iii. p. 511.

produced the effect of making it too clear that my authority is inadequate for the emergency which called it into existence. At length the Act of my Government, the first and most important which was brought under the notice of the authorities at home, has been annulled, and the entire policy, of which that Act was a small though essential part, has thus been defeated. . . . How am I to provide against the immediate effects of the disallowance of the ordinance? That ordinance was intimately connected with other measures which remain in unrestricted operation. It was coupled with her Majesty's proclamation of amnesty; and, as I judged it becoming that the extraordinary Legislature of Lower Canada should take upon itself all measures of rigorous precaution, and leave to her Majesty the congenial office of using her royal prerogative for the sole purpose of pardon and mercy, the proclamation contained an entire amnesty, qualified only by the exceptions specified in the ordinance. The ordinance has been disallowed, and the proclamation is confirmed. Her Majesty having been advised to refuse her consent to the exceptions, the amnesty exists without qualification. No impediment, therefore, exists to the return of the persons who had made the most distinct admission of guilt, or who had been excluded by me from the province, on account of the danger to which its tranquillity would be exposed by their presence, and none can now be adopted without the adoption of measures alike repugnant to my judgment and policy.'[1]

Glenelg could hardly pass over in silence the intemperate language of his angry commissioner. Brougham had compelled him to disallow the ordinance. It required no external compulsion to force him to disapprove the proclamation. 'Its terms,' he wrote, 'appear calculated to impair the reverence due to the royal authority,

[1] The proclamation is reprinted in *Ann. Reg.*, 1838, Chron., p. 311

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to derogate from the character of the Imperial Legislature, to excite amongst the disaffected hopes of impunity, and to enhance the difficulties with which your lordship's successor will have to contend.' Under these circumstances the Ministry thought that Durham's continuance in the government of North America would be attended with no beneficial result.[1] Their thoughts had been anticipated by their heated commissioner. His offensive proclamation had been dated on the 9th of October: on the 1st of November he left Quebec, and reached Plymouth on the 26th of that month. The long sea voyage had not the effect of cooling his temper. At Devonport and Plymouth he replied to some complimentary addresses by justifying his administration, by congratulating himself on having effaced the remains of a disastrous rebellion, and by complaining that he had been suddenly arrested in a career of complete success. Events were singularly unkind to Durham. While he was making this idle boast at Plymouth the mail was carrying from Liverpool the unwelcome news that the rebellion was again renewed. Durham was in consequence obliged to change his tone. Three days afterwards he had the assurance to declare that he had foreseen and warned the Ministry of the inevitable renewal of a rebellion which three days before he had boasted that he had effaced.[2]

and reaches England.

Renewal of the rebellion.

The rebellion had, in fact, been renewed almost immediately after Durham's departure; and its renewal was accompanied with an organised invasion by American sympathisers from the United States. The invasion and rebellion were, however, suppressed by Sir John Colborne, the commander of the forces in the colony, who on Durham's departure temporarily succeeded to the Government of the province. Martial law was proclaimed; the Habeas Corpus Act was suspended; four persons,

[1] *Ann. Reg.*, 1838, Hist., pp. 322. [2] *Ibid.*, pp. 323, 324.

who had taken an active part in the disturbances, were executed, twenty-seven others were transported; and order was restored. Colborne, discharging the plain duties of a British officer in a plain way, had stamped out insurrection, and deserved the thanks and congratulations which Durham had the arrogance to claim as the reward of his own administration.

Order had been restored; and it rested with the mother country to remove the causes which had led to disturbance. The task of the Ministry in this respect was facilitated by the enquiries which Durham had made. The conduct of the High Commissioner in administering Canada deserved nothing but blame. His skill in devising arrangements for its future administration deserved nothing but praise. In the active duties of administration Durham had permitted his passion to pervert his judgment; in the calm quiet of his study his discretion had not been warped by his temper; and the same statesman who proved himself utterly incapacitated for rule produced a report which guided the policy of all his successors. In Durham's judgment the evils to which Canada was a prey could best be cured by uniting all or some of the North American provinces under one Legislature, and by the immediate repeal of the Act of George III. which divided Canada into two provinces. The united Legislature, he suggested, should consist of two Houses—a House of Assembly, with members chosen by each province in proportions to be determined by an independent commission, and a Legislative Council, harmonising with the popular feeling in America. The Legislature which was thus formed was to have complete control over the whole of the revenues of the Crown, excepting those derived from the sale of lands; and every officer in the colony, except the Governor and his secretary, was to be responsible to it alone. It was hoped that these wise recommendations would induce

The union of the Canadas.

CHAP. XV. 1839.

the Canadians to forget their own petty differences in a desire to carry out a broad national policy. The Ministry decided on giving effect to, at any rate, some of them. When Parliament opened in 1839, the Queen was advised to refer to the troubles which had arisen in the Canadas, and to recommend the present state of those provinces to the serious consideration of the Legislature.[1] Unfortunately, the condition of the Ministry was not favourable for the serious consideration of a difficult problem. Three months elapsed before any definite steps were taken by the Government. At last, on the 3rd of May, a message was sent to both Houses recommending the union of the two Canadas into one province.[2] On the very evening on which this message was presented a debate commenced on another colonial question which led to the defeat of the Whig Administration, and to the temporary retirement of the Government. It was only on the 3rd of June,[3] that Russell was enabled to ask the Commons to deliberate on the message which the Queen had addressed to them on the 3rd of May.

The union is proposed in 1839.

Russell asked the House to commit itself to only two resolutions. The first affirmed the expediency of a legislative union between the two Canadas; the second, the necessity of continuing till 1842 special powers which had been entrusted to Durham and his Council. Even these resolutions, however, were not carried. The House of Assembly of Upper Canada warmly protested against Durham's reports and recommendations; and, on the 13th of June, Russell, finding that the proposal was opposed in Canada, and afraid of the power of the Tories at home, withdrew his scheme.[4] A bill for continuing the special powers of the Canada Act was subsequently passed;[5] and no further steps were taken in 1839 to terminate the crisis which had arisen in North America.

[1] *Hansard*, vol. xlv. p. 5.
[2] *Ibid.*, vol. xlvii. p. 756.
[3] *Ibid.*, p. 1254.
[4] *Ibid.*, vol. xlviii. p. 207.
[5] *Ibid.*, p. 1213.

The Ministry had gained little credit from its Canadian policy. Gosford's commission had failed; Durham had failed; Head had been recalled; and the union of the Canadas had been abandoned in consequence of the opposition of the Canadians. The only man who had acquired any credit from the rebellion was Colborne, and Colborne[1] was rewarded by the Crown with a peerage, and by the country with 2,000*l.* a year for three lives, for the part which he had played in suppressing it. The Ministry decided on filling the high post which the new peer had temporarily occupied with Poulett Thomson, the President of the Board of Trade. Thomson reached Canada on the 19th of October, 1839. He had the prudence to base his administration on the principles which Durham had laid down; he had the dexterity to persuade the Canadians to accept the union which Durham had proposed. The union of the two provinces effected the objects which it was designed to secure. The dissensions of French and English became less perceptible in a larger State. The Canadians, instead of busying themselves about the rival interests of two factions, addressed themselves to a consideration of the affairs of the colony. The British Government surrendered to the Provincial Assembly the complete control over the finances of the colony. In practice it conceded to it complete legislative independence; and Canada, conciliated by the course which was thus pursued by Thomson, and which was afterwards followed by Lord Elgin,[2] ceased to trouble the British Government or to agitate for its own independence.

The union carried.

In the meanwhile the Ministry, which had gained little credit from its Canadian policy, had not retrieved

[1] *Hansard*, vol. liii. p. 234.

[2] Mr. Poulett Scrope's life of his brother, Lord Sydenham, and Mr. Walrond's life of Lord Elgin describe with much detail the administrations of these two governors. See especially the former of these works, pp. 107-308, which conveys a high idea of Thomson's administrative ability. For the Union Bill see *Hansard*, vol. liv. pp. 710, 1115.

CHAP. XV. 1837.

its reputation by any marked successes at home. The Parliament of 1837 did not materially differ from the Parliament of 1835. The Whigs, with O'Connell's aid, still commanded a small majority. The Conservatives, annoyed at the increasing influence of the Irish, persuaded themselves that the victory of the Repealers in the Irish constituencies had been occasioned by the intimidation of the priesthood, or by the unfair registration of Irish voters, and determined to test the legality of the Irish elections wholesale. Such a course involved a large expenditure, and an association was consequently formed in London to collect subscriptions for the purpose. Mr. Spottiswoode, one of the Queen's printers, consented to preside over the society, which from this fact derived its nickname of the 'Spottiswoode gang;'[1] and Burdett, with all the zeal of a convert, wrote to the newspapers and asked the public to subscribe to the support of the association.

The Spottiswoode association.

The election law of Ireland facilitated vexatious petitions. In Ireland the revising barrister was bound to investigate every claim to vote, whether objected to or not. If his decision were favourable to the voter there was no appeal against it to any of the Irish courts. But it was uncertain whether the validity of the vote could be questioned before a Grenville committee. In the case of Carlow three different committees had given three different decisions on this single point. The first had decided that the register should not be opened; the second had decided that the register should be opened; and the third had decided that the register should be partially opened. These conflicting decisions had necessarily drawn attention to the absurd constitution of election committees. Their scandalous conduct was also attracting notice; and a committee had been appointed to enquire into the whole system. Charles

Election committees.

[1] *Ann. Reg.*, 1837, Hist., p. 387.

Buller, the Liberal member for Liskeard, a man whose amiability and wit made him the friend of politicians of every shade of opinion, had presided over the committee, and had devised a scheme for remedying the abuses of which everyone complained. Buller proposed to reduce the numbers of each committee from eleven to five, and to place a paid lawyer in the chair. The proposal led to the introduction of an alternative plan by O'Connell. The great Irish agitator wished to transfer the jurisdiction of the Grenville committee to a special jury assisted by five members of Parliament, under the presidency of the Chief Justice of England.[1]

Buller had introduced his bill in the summer of 1837; he re-introduced it in the new Parliament; and its second reading was fixed for the 27th of November. Ostensibly the measure did not apply to existing petitions. There was, therefore, no apparent necessity for dealing with it precipitately. Yet, on both sides of the House, there was an evident anxiety to arrive at some clear decision upon it. Conservatives and Radicals both saw that a slight amendment, introduced into the measure during its passage through committee, would give a retrospective effect to the bill. The Radicals, in consequence, alarmed at the organisation of the 'Spottiswoode gang,' desired to defer the consideration of the election petitions till after the passage of the bill into law. The Conservatives, on the contrary, desired to postpone the debates on the bill till after the consideration of the election petitions. Russell, urged forward by the Radicals, was induced to declare that, if there was any indication of an intention to take advantage of the law and 'set aside any great number of elections that have obviously been fair and legal,' the Government would have to consider what it should do.[2] Stan-

[1] *Ann. Reg.*, 1838, Hist., p. 68; and *Hansard*, vol. xxxix. p. 295.
[2] *Hansard*, vol. xxxix. p. 136.

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ley, on the other side, constituting himself the mouthpiece of the Conservatives, met Russell's threat by moving the postponement of the bill till the 12th of February. The motion did not prove of much advantage to the Conservatives. O'Connell abandoned his own alternative to support Buller, and the second reading of Buller's bill was carried by a large majority.[1]

The 'Spottiswoode gang' attacked.

Encouraged by the victory which they had achieved, the Liberals decided on attacking the 'Spottiswoode gang.' The attack was made by Blewitt, the member for Monmouth, a gentleman who had only just attained the distinction of a seat in Parliament. Blewitt had been shocked at learning that his own neighbours in the country had collected a sum of money for the purpose of expelling O'Connell from Parliament.[2] Alarmed at the consequences of this assault on the privileges of the body of which he had just become a member, he announced his intention of moving on the 6th of December a series of five resolutions condemning the institution of the Spottiswoode fund. On that evening, before the debate began, Smith O'Brien, the member for Limerick, presented a petition from himself complaining of the subscriptions, both 'upon grounds of public policy' as well as 'with reference to his own individual case,' and intimated his intention of bringing the subject under the consideration of the House on the following day. The Conservatives endeavoured to prevent the printing of the petition, on the technical ground that it alluded to the conduct of an election which would have to be referred in the ordinary course to an election committee. The Liberals, however, were determined that the petition should be printed, and they enforced their views by a considerable majority.[3]

The victory had been with the Whigs in the division,

[1] *Hansard*, vol. xxxix. pp. 284-318. [2] *Ibid.*, p. 718.
[3] 234 votes to 203. *Ibid.*, p. 707.

but in other respects they had little reason to congratulate themselves on the results of the debate. Russell took advantage of it to declare that only sixty-seven election petitions had been presented; that they only exceeded by ten the number received in 1831; and that 'he did not perceive that there was any great cluster of petitions of any one particular kind which would make it clear that there had been any combination in order to present them;' and that he did not, under these circumstances, see any reason for departing from the ordinary course of referring the petitions in the usual way to the customary committees.[1] This intimation took the sting out of Blewitt's motion. Blewitt could not prove that the Spottiswoode association constituted 'a most foul and atrocious aggression upon the freedom of election,' when his leader had declared that 'he did not think that the number of election petitions in the present year was such as to warrant any extraordinary measures in regard to them.' Finding his case hopeless, he withdrew four out of his five resolutions, and the debate ended in an unseemly wrangle, in which the Speaker lost all control over the House; and Blewitt retired without even moving his last resolution.[2] The ridicule which Blewitt had encountered did not deter Smith O'Brien from drawing attention to his own grievances on the following evening. It was obvious, however, from the very commencement of the debate, that the House was determined to ignore them. Harvey endeavoured to induce it to take a middle course, and to refer the matter to a select committee. He was beaten by 389 votes to 91; and the main question was then defeated by 331 votes to 121.[3]

These debates naturally gratified the Tory party. It was obvious that Buller's bill could not possibly apply

[1] *Hansard*, vol. xxxix. p. 711. [2] *Ibid.*, pp. 731, 737.
[3] *Ibid.*, vol. xxxix. pp. 818, 837.

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to existing petitions. The chief reason for bringing it forward was removed, and it was ultimately postponed.[1] But the grievance, of which Smith O'Brien and Blewitt had complained in vain, still rankled in the breasts of Radicals and Repealers. The 'Spottiswoode gang' was in existence: to them, at least, its operations and its purse were realities, and they dreaded the consequences of the trials to which many of their members would be exposed by committees whose members notoriously preferred the claims of their party to the strict requirements of justice. It happened that a dinner was given to O'Connell on the 21st of February at the Crown and Anchor. It was, of course, necessary for him to make a speech. In the course of it he said that 'what the Irish wanted was a measure which would prevent their being exposed to the machinations of the "Spottiswoode gang." Corruption of the worst description existed; and, above all, there was the perjury of the Tory politicians. It was horrible to think that a body of gentlemen—men who ranked high in society, who were themselves the administrators of the law, and who ought, therefore, to be above all suspicion—should be perjuring themselves in the committees of the House of Commons. The time was come when this should be proclaimed boldly. He was ready to be a martyr to justice and truth, but not to false swearing; and therefore he repeated that there was foul perjury in the Tory committees of the House of Commons.'[2]

O'Connell's speech at the Crown and Anchor.

O'Connell had, after all, only stated what everyone knew. Charles Buller had himself said the same thing in milder language three months before: 'None of the parties who came before the election committee had confidence in their honour: quite the contrary; everybody said that an election committee of the House of Commons was the last tribunal where a man could ex-

[1] *Hansard*, vol. xlii. p. 343. [2] *Ibid.*, vol. xli. p. 103.

pect justice.'[1] There was not much difference between the words of Buller and the words of O'Connell. But the Conservatives liked Buller and hated O'Connell. They could tolerate from the one an insinuation which appeared insupportable when it came from the other. Lord Maidstone, the eldest son of the rash Tory nobleman Lord Winchilsea, who had made himself notorious by his duel with Wellington, decided on bringing O'Connell's language before the House. O'Connell defended himself by declaring that he had only repeated at the Crown and Anchor what everyone knew. 'Heaven help the man who out of that House, even in the presence of members of the House, would venture to assert that their election committees were impartial tribunals, assembled solely to do justice between the parties. Why, such an assertion would be turned into ridicule; the man would be laughed to scorn.'[2] The Conservatives had, at any rate, no intention to treat the matter with ridicule. Maidstone at once moved that the speech 'was a false and scandalous imputation upon the honour' of the House. Russell, attempting to shield O'Connell, foolishly reminded the House that Phillpotts, Bishop of Exeter, a prelate whose conduct on the Bench was almost as intemperate as O'Connell's on the platform, had declared in a pastoral charge two years before that the Whigs 'had exhibited treachery aggravated by perjury.'[3] The rash 'tu quoque' irritated Phillpotts' friends and did not save O'Connell. The House decided that Lord Maidstone's motion should be put by 263 votes to 254.[4] It proceeded to declare O'Connell guilty of a breach of its privileges by 293 votes to 85;[5] it refused on the following day to retrace its steps by 249 votes to 225;[6] it carried the main question, that O'Connell should

[1] *Hansard*, vol. xxxix. p. 290.
[2] *Ibid.*, vol. xli. p. 107.
[3] *Ibid.*, pp. 118, 145.
[4] *Ibid.*, p. 162.
[5] *Ibid.*, p. 172.
[6] *Ibid.*, p. 218.

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be reprimanded by 226 votes to 197.[1] On the first, third, and fourth of these decisions Russell and his colleagues voted in the minority.

O'Connell is remanded.

On the day after the last of these divisions the Conservatives crowded the House to witness O'Connell's humiliation. They had little cause for congratulation when the scene was over. O'Connell merely made the reprimand an occasion for renewing his statements, and moved for the appointment of a committee to investigate the matter. The most stubborn Tory must have seen the folly of censuring a member for merely telling an unpleasant truth.[2] The folly was, at any rate, plain enough six weeks afterwards. Poulter, the Liberal member for Shaftesbury, was unseated on a petition. He explained, in a letter to his constituents, that he was the victim of 'an unprincipled combination.' The majority of the members of the committee before whom his case came were, he added, 'the most corrupt that ever degraded the administration of justice and the name of the Commons of England.' Their 'ignorance was second only to their corruption.' The letter in which these angry passages occurred was published in the 'Morning Chronicle' of the 6th of April. It was brought before the House on that evening by Blackstone, the chairman of the unlucky committee; and Poulter was ordered to attend on the following Monday.[3] He at once avowed that he had written the letter, and that it was published on his exclusive authority. He justified it by describing the manner in which he had been treated, and he offered to submit to an independent investigation even by his political enemies.[4] His tem-

Poulter's case.

[1] *Hansard*, vol. xli. p. 233.

[2] For the reprimand see *ibid.*, p. 263; for O'Connell's reply, p. 265. Sir E. May implies that the fact that O'Connell was only reprimanded, and not sent to Newgate, was a proof that Parliament was becoming 'superior to the irritable sensitiveness which formerly resented a free discussion of its proceedings.' *Constitutional History*, vol. i. p. 435. He surely cannot have read the case on which he makes so singular a commentary.

[3] *Hansard*, vol. xlii. pp. 453-465.

[4] *Ibid.*, p. 501.

perate reply produced a good effect. Poulter had sat in Parliament for some years; he had many friends in the House; and he had never done anything to excite the angry feelings of the Tories. On Charles Wynn's suggestion the House asked him to retract the expressions which had imputed corruption to the committee. Poulter declared that he was quite ready to admit that the committee had not been guilty of pecuniary or base corruption; but he must continue to say that his seat in Parliament had been taken from him by political motives.[1] This explanation involved the House in a fresh dilemma. On the one hand, Blackstone, as chairman of the committee, declined to accept the explanation as sufficient. On the other, a Liberal member recollected that Sugden, who had been a law officer of the Crown, who had been Chancellor of Ireland in Peel's Ministry, and who was member for Ripon, had admitted in a previous debate that there existed a bias in the minds of the members of the committee.[2] How was it possible to censure Poulter for saying that his seat had been taken from him by political motives when no one proposed to censure Sugden for accusing the committees generally of political bias? The dilemma was so great that the Tories only succeeded in carrying their proposal by 122 votes to 120. The Whigs, encouraged by the narrowness of the majority, ventured on another division. They moved the adjournment of the debate for a week, and carried the motion by 122 votes to 116.[3] Before the week was completed the House had adjourned for the Easter holidays, and the miserable discussion was never renewed.

The Whig Ministry was seriously weakened by these occurrences. In three of the divisions on O'Con-

[1] *Hansard*, vol. xlii. p. 511. [2] *Ibid.*, p. 513.
[3] *Ibid.*, pp. 518, 524.

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The position of the Ministry.

nell's case, in the first division respecting Poulter, its members had voted in the minority; and the debates had afforded, therefore, unquestionable proof of their waning authority in the House of Commons. In the preceding month Peel had compelled them to recast the Canada Bill. On the evening which preceded that on which O'Connell had been censured the Tories had carried a motion for quicker promotion in the Marines.[1] A few days afterwards a proposed address to the Crown, attributing the events in Canada to 'the want of foresight and energy,' and to the 'ambiguous, dilatory, and irresolute conduct of her Majesty's confidential servants,' was lost by only a narrow majority.[2] The Whigs obviously held office on the sufferance of their political opponents: the Conservatives almost openly admitted the possibility of their being called to power. It became the interest of both parties to conclude some arrangement on the subjects which had hitherto divided them. The Liberals could not wish all their Irish measures to be abortive; the Conservatives could not desire to succeed to office while they were still unpassed. From 1834 the Irish Tithe Bill had occupied the attention of Parliament. From 1835 the Irish Municipal Bill had distracted the Legislature; while, in 1837, an Irish Poor Law Bill had been added to these two measures. The dissolution, which was the inevitable consequence of a new reign, had afforded a convenient excuse for their temporary abandonment. No such excuse was available in 1838. The Ministry had advised the Queen, in commending the Irish bills to the Legislature, to say that 'the external peace and domestic tranquillity which at present happily prevail are very favourable for the consideration of such measures of reformation and amendment as may be

[1] By 100 votes to 87. *Hansard*, vol. xli. p. 262.

[2] By 316 votes to 287. *Ibid.*, vol. xli. p. 684.

necessary or expedient.'[1] What could be more necessary or more expedient than to settle the vexed questions which were distracting Ireland and encumbering the British Legislature?

The Irish Poor Law.

A Ministry which was conscious of its own weakness naturally preferred to deal with the Irish Poor Law instead of addressing itself, in the first instance, to the reform of Irish corporations or to the settlement of Irish tithes. On the two last subjects experience had taught it that it had nothing to expect but defeat; on the first subject there was a general desire among all parties to do something. The miserable distress which the Irish were enduring had compelled Althorp, in 1833, to issue a commission to enquire into the condition of the poorer classes.[2] The enquiry was protracted over three years. During the interval, indeed, three men—Smith O'Brien, the member for Limerick; Poulett Scrope, the member for Stroud; and Sir R. Musgrave, the member for Waterford—all introduced measures for establishing some system of relieving the Irish poor.[3] Peel and Morpeth[4] naturally urged them to wait till the commissioners had reported. The advice was exactly suited to the temper of Parliament. The English newspapers were full of accounts of the sufferings of the poor under the new Poor Law. Impressed by these details, Irish patriots doubted whether the introduction of a Poor Law would not increase instead of diminishing the miseries of the Irish. O'Connell himself concluded that the proposed remedy was worse than the disease, and resisted the application of a Poor Law to Ireland.

[1] *Hansard*, vol. xxxix. p. 14. Lord Roden (*ibid.*, p. 212) raised a long debate on this paragraph, with the object of showing that Ireland was not tranquil.

[2] *Ibid.*, vol. xvii. pp. 867, 894.

[3] For Smith O'Brien's bills see *Hansard*, vol. xxvi. p. 1206; and vol. xxxi. p. 1193. For Poulett Scrope's, *ibid.*, vol. xxxi. p. 429; and vol. xxxiii. p. 590. For Sir R. Musgrave's, *ibid.*, vol. xxix. p. 308; and vol. xxxi. p. 226.

[4] *Ibid.*, vol. xxvi. p. 1230; and vol. xxix. p. 315.

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The report of the Irish Commission.

At last, early in 1836, the report of the commissioners appeared. It disclosed a picture of misery which even Irish members had not ventured on anticipating. England, it was said, contained 34,250,000 acres of cultivated soil, tilled by 1,055,982 labourers, who on an average received eight to ten shillings a week in wages, and who produced food of the estimated value of 150,000,000*l.* Ireland contained 14,600,000 cultivated acres, tilled by 1,131,715 labourers, who received two shillings to two shillings and sixpence a week in wages and who only produced food worth 36,000,000*l.* But the majority of the Irish could not command even these miserable wages. Nearly one-third of the entire population, or 2,385,000 people, were dependent on the produce of the little plots of land which surrounded their wretched cabins. The potatoes which they wrung from the exhausted soil rarely lasted throughout the year, and for thirty weeks in every twelve months the miserable cottiers and their families could not even command an adequate supply of diseased potatoes for their subsistence.[1] Ireland, in the judgment of the commissioners, was one great lazar-house.[2] An eloquent historian, fond of mingling humour with his pathos, nicknamed the wretched Irish peasant the 'Sanspotato.'

The misery of the Irish produced consequences beyond the limits of Ireland. The Irish poor crossed over in crowds to England: the packet-boats gave them standing-room on their decks for a few pence. They crowded every large town; they rambled over the country; and they offered to take work on any terms on which manufacturer or farmer would give it them. The English labourer found that he was beaten in the labour market

[1] See the third report of the Irish Poor Law Commissioners, *State Papers*, 1836, vol. xxx. pp. 3, 4, 5; and cf. *Hansard*, vol. xxxviii. p. 363.

[2] Mr. Carlyle's *Miscellaneous Essays*, vol. v. p. 346.

by a stranger who slept in a ditch, who lived on potatoes, and whose tattered garments barely concealed the squalor of his body. When the harvest work for which they came was over the English guardians found themselves compelled to send these labourers back to Ireland. English ratepayers then found that Protestant bigotry imposed unnecessary expense upon them. The law, till 1835, did not recognise a marriage celebrated by a Roman Catholic priest. The Irish poor were universally married by their own pastors. Technically, therefore, all their children born before 1835 were illegitimate; and the parish, up to the date of the new Poor Law, in 1834, was liable for the support of illegitimate children. The English guardian could send back to Ireland the superfluous Irish labourer, but he was bound to support out of the rates his brood of children.[1]

English statesmen were shocked at the picture of misery which the Irish Poor Law Commissioners had disclosed. Poulett Scrope and Smith O'Brien urged the Ministry to lose no time in applying some adequate remedy to it; and Morpeth, speaking as Irish Secretary, promised that there should be as little delay as possible in introducing legislation.[2] The more, however, the Government considered the report of the commissioners the less they liked the prospect which it afforded to them. The commissioners had refrained from proposing the only possible remedy. They rejected the old system of relief which had been in force in England up to 1834, because they could not ignore the miserable results to which it had led. They rejected the new system which had been introduced into England in 1834, because they fancied that the rate which it would

Their recommendations.

[1] Mackintosh drew attention to this subject in 1823. *Hansard*, New Series, vol. ix. p. 966. Cf. *ibid.*, Third Series, vol. xvii. p. 850.

[2] *Ibid.*, vol. xxxiii. p. 603.

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necessitate would exhaust the rental of all Ireland. The rent of Irish land was placed by the commissioners at 10,000,000*l.* a year; 4,000,000*l.* of this sum was absorbed by encumbrances on the property; and Irish landlords had, therefore, only a net income of 6,000,000*l.* But the support of 2,385,000 persons for thirty weeks a year would require a rate of at least 5,000,000*l.*, and absorb five-sixths of the income of Irish landlords. Frightened by their own figures, the commissioners shrank from recommending that relief should be extended to all the poor, and they proposed to confine it to those who were mentally and physically infirm, to those who were either too old or too young to work, or to cases of casual destitution.[1]

Such a suggestion was obviously inadequate. One-third of the Irish poor was in a state of destitution because the population was too large for the country. The commissioners had the folly to imagine that the country could be made large enough for the population. They proposed that a public authority should be appointed with power to reclaim Irish bogs, to drain and fence the waste lands of Ireland, and to levy rates on the adjoining landlords for the improvements which were thus made. They proposed that the Irish Board of Works should have power to establish model agricultural schools in every parish, and to undertake public works for the development of the country. The Utopia into which these benevolent visionaries proposed to convert Ireland would, it was hoped, absorb the surplus population. The residue, it was thought, might be provided for by emigration; and depôts for the reception of emigrants might be established in various places.[2]

Such recommendations had never previously been

[1] See the report, pp. 5, 25.

[2] See the report, pp. 17–23.

made by any important commission. Yet the commissioners who had sketched the outline of a possible Utopia enjoyed a status which gave importance to their recommendations. Whately, Archbishop of Dublin, whose works still enjoy a deserved reputation, presided over the commission, and warmly approved its recommendations.[1] He was assisted by Murray, the Roman Catholic Archbishop of Dublin, and eight other colleagues. A recommendation, which had been approved by one of the heads of the English Church and accepted by the head of the Roman Church in Ireland, could not be lightly disregarded. On the other hand, persons who were recognised authorities on the subject immediately objected to the recommendations of the commissioners. In the course of the summer of 1836 a young man, who had been employed under the commission as an assistant commissioner, was asked by Spring Rice to draw up a paper upon the report. Probably no assistant commissioner had ever been previously invited to review the recommendations of his chiefs. But the Ministry was almost warranted in departing from the usual course by the ability of the individual whose advice they sought. George Cornewall Lewis was the eldest son of Sir Thomas Frankland Lewis, a politician who, after filling various offices in the Canning and Wellington Administrations,[2] was selected as Poor Law Commissioner by the Whig Ministry. The profound knowledge which distinguished the son has diverted attention from the merits of the father; yet the son owed his first employment, as assistant commissioner to the Irish Commission, to the prudence which the father had displayed in administering the English Poor Law.[3] Lewis easily succeeded in disposing of the recommenda-

[1] See Whately's life, vol. i. p. 198.

[2] See *ante*, vol. ii. p. 540.

[3] The three commissioners, Sir T. F. Lewis, Sir J. Lefevre, and Mr. Nicholls, were commonly styled 'the three despots of Somerset House.'

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tions of the commissioners. He saw that the scheme of converting Ireland into a Utopia was nothing but a proposal for the management of private property by the State. Such a plan, if it did not simply prove inoperative, would lead to a lavish expenditure of public money.[1] Lewis succeeded in inspiring the Ministry with his fears. Instead of legislating on the report of the commissioners it decided on sending Nicholls, one of the three English commissioners, to Ireland, and on desiring him to report on the whole subject.

Mr. Nicholls sent to Ireland.

Nicholls took a rapid tour of six weeks through Ireland in the autumn of 1836. He sought out the people who could furnish him with information, and he contrived to learn more in six weeks than the commissioners had learned in three years. Like the commissioners, he saw that the population of Ireland was too large for the soil. The same evils which had been produced in England by indiscriminate relief had been created in Ireland by indiscriminate charity. The Mendicancy Association of Dublin, for instance, received all applicants, gave them food throughout the day, and dismissed them in the evening with a penny a-piece, to enable them to procure a night's lodging. Nicholls found 2,047 persons within the walls of the association. Mendicancy was accepted as the sole test of poverty; and the population was thus encouraged to beg its bread. This miserable state of things could only be improved by accepting the destitution of the individual as the sole ground on which relief should be granted. The commissioners, indeed, had amused themselves by proving that a rate for the relief of the Irish poor would absorb five-sixths of the rental of Irish landlords. Nicholls rejected their estimates without even examining them, and declared that workhouse accommodation for one person out of

[1] Lewis's report will be found in *Parl. Papers*, 1839, vol. li. p. 255. The passage referred to in the text is on the 30th page of the report.

every hundred would be sufficient for every purpose. Eighty or one hundred workhouses, holding 1,000 persons each, should, he recommended, be erected in Ireland. A sum of 700,000*l.* would, he estimated, be adequate for their erection.[1]

The Irish Poor Law Bill is passed.

Nicholls' report was approved by the Government. Adverse critics, indeed, sneered at the haste with which Nicholls had travelled through Ireland. They could not gainsay the strength of his arguments. O'Connell, though he criticised the scheme, and suggested that a higher rate should be levied on the property of absentees, gave a reluctant assent to the principle of a Poor Law; and the bill which Russell introduced for the purpose of giving effect to Nicholls' recommendations made gradual progress.[2] The death of William, however, interfered with the Poor Bill, just as it interfered with the progress of other measures. The delay was by no means favourable to the passage of the measure. An agitation was arising against the cruelties of the English law. The 'Times' supported the attack upon it in its columns; the principal proprietor of the 'Times' renewed it, night after night, in his place in Parliament. O'Connell, frightened at these complaints, withdrew his consent to the extension of a Poor Law to Ireland. But his opposition did not affect the issue. Introduced on the 1st of December, 1837, the bill passed the Commons on the 30th of April; it passed the Lords on the 9th of July, 1838.[3]

The chief provisions of the law which was thus made were founded on Nicholls' report. Relief was confined to the destitute: it was only afforded in workhouses. For the purpose of regulating it Ireland was to be divided into unions, and each union was placed under

[1] For the report see Parliamentary Papers, 1837, vol. li. pp. 7, 8, 14, 15.

[2] *Hansard*, vol. xxxvi. p. 453; *Ibid.*, vol. xxxviii. pp. 360, 454, 827.

[3] *Ibid.*, vol. xlii. p. 719; and vol. xliv. p. 28.

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the control of elected lay guardians. The bill, however, did not satisfy the Irish. The Poor Law which the British Legislature had given to Ireland was forced upon the people against their will. A measure which had been opposed by O'Connell, which was disliked by Whately, which was distasteful to Murray, which was contrary to the recommendations of Irish commissioners, and which was based on the report of an English official, was not likely to satisfy the Irish. England had given—so they thought—one more proof of its incapacity to legislate for Ireland by forcing on her a measure opposed to the feelings of the Irish nation.

Its unpopularity in Ireland.

Compromise on other Irish subjects.

The Irish had not been conciliated by the Poor Law; and the Ministry was, in consequence, anxious to pacify them by settling the other Irish questions. There were many indications that both parties were weary of the protracted struggles which the Tithe Bill and the Municipal Bill had occasioned. Even in 1837 the Tory leaders had openly declared that they would see with pleasure an amicable termination to an unfortunate difference.[1] The hint was not lost on the Ministry, and an arrangement was privately concluded by which Peel undertook to modify his opposition to the Municipal Bill, on the understanding that Russell would withdraw the appropriation clause from the Tithe Bill. The compromise was published on the 27th of March. On that evening Russell publicly asked Peel whether he intended to move an instruction to the committee on the Municipal Bill enjoining the total abolition of the Irish municipal corporations; and Peel, before replying to the question, asked Russell whether he intended to introduce a Tithe Bill, and whether it would contain an appropriation clause. Russell at once declared that it was the intention of the Ministry to introduce such a measure, and to base it on ground altogether new; and

[1] *Hansard*, vol. xxxviii. p. 1682.

Peel, imitating the courtesy of his opponent, promised, instead of binding the House to the abolition of Irish corporations, merely to ask for the postponement of the subject till the principle of the Tithe Bill had been settled.[1] The conversation convinced everyone that the end was very near. The combatants still performed the customary movements of the arena; but thrust and parry were both preconcerted.

The Tithe Bill.

Three successive Secretaries for Ireland—Littleton, Hardinge, and Morpeth—had devised a Tithe Bill, and in one respect all three bills had resembled each other.[2] The scheme which Russell introduced in 1838 was based on the principle which had been embodied in all its predecessors. He proposed to convert the existing tithe composition into a rent-charge of 70 per cent. of the nominal value of the tithe; to secure this income to the existing incumbents by a State guarantee; to authorise the State on the termination of existing interests to purchase each 70*l.* of rent-charge for 1,600*l.*; to vest the money paid for its purchase either in real property or in any other security which the Ecclesiastical Commissioners might determine; and to compel the State to devote the rent-charge which it purchased to purely Irish objects, such as the maintenance of the Irish police and the education of the Irish people.[3] The scheme, foreshadowed in a series of ten resolutions which were placed on the notice paper on the 27th of March, was elaborated and explained by its author on the 14th of May. Till within a few days of that speech the Ministry had no reason to believe that the arrangement virtually concluded with Peel would be disturbed. On the 10th of May, however, Sir Thomas Acland, the member for Devonshire, revealed the intentions of the Opposition. The Conservatives had never forgiven the

[1] *Hansard*, vol. xli. pp. 1313–1319.
[2] See *ante*, p. 308.
[3] *Hansard*, vol. xli. p. 1317; and vol. xlii. p. 1173.

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famous vote of 1835, which had driven Peel from power; and they now offered, through Acland, to accept Russell's proposal, on condition that the resolutions of 1835 were rescinded. Russell naturally complained that he had been deceived. The Conservatives paid no attention to his complaints. Conscious of their increasing strength, and encouraged by the success of a demonstration, at which Peel had been entertained by his party at dinner two nights before,[1] they longed for the excitement of a great party struggle, and mustered in all their force to support Acland. The division afforded an accurate test of the strength of parties, but it did not confer much advantage on the Conservatives. Acland was beaten by 317 votes to 298,[2] and the obnoxious resolutions were not rescinded.

The Ministry had succeeded in defeating Acland. But the Conservatives had been given an opportunity of proving that the policy of Peel was supported by about 300 members of the House of Commons; and no Government, however strong in other respects, could afford to disregard the wishes of so considerable a minority. On the Friday which succeeded the great divisions, Russell, replying to Burdett, admitted that he intended to modify his proposal, and to confine himself to converting the tithe composition into a rent-charge.[3] This modification virtually ensured the success of the Tithe Bill. Peel, after giving himself a few days to consult his friends, professed himself ready to support the modified scheme, reserving, however, his opinion on the proportion which the rent-charge should bear to the tithe.[4] Supported in this way on both sides of the House, the bill made gradual progress. Ward, indeed, who had originated the appropriation clause in 1834, endeavoured, with more consistency than his leaders, to

[1] *Ann. Reg.*, 1838, Hist., p. 115.
[2] *Hansard*, vol. xlii. p. 1353.
[3] *Ibid.*, vol. xliii. p. 1364.
[4] *Ibid.*, vol. xlii. p. 444.

reintroduce the famous principle into the bill. Whigs and Conservatives united to defeat him, and Russell and O'Connell voted against him in the majority.[1] The Ministry, after defeating a specific motion made for the purpose, consented to fix the rent-charge at 75 per cent., instead of 70 per cent., of the composition.[2] They engrafted on the bill clauses abandoning the claim of the nation to repayment of the great advances which had been already made to the tithe owners, and which amounted to 640,000*l.*; and they consented to devote 260,000*l.* to the extinction of the remaining arrears.[3]

English Radicals were naturally indignant at these concessions. They complained that the great principle on which Peel had been driven from power had been wantonly abandoned by the Government; they complained of the extravagance of lavishing vast sums of money on the Church of a minority; they complained that the rent-charge had been raised without adequate reason from 70 to 75 per cent. of the tithe for the sake of pacifying the Tory party.[4] The Conservatives, on the contrary, were elated beyond precedent at the success which their leader had achieved. The bill, which had been passed under the guidance of Russell and with the approval of O'Connell, was the very measure which Peel had himself offered through Hardinge in 1835. In both of them the terms secured to the Church were the same; in both of them there was no mention of the great question of appropriation. The point which, in 1835, was considered of essential importance by the Whigs in Opposition was surrendered for the sake of peace by the Whigs in office in 1838; and their leader, incapable, apparently, of appreciating the indignity to

[1] 270 to 46. *Hansard*, p. 1202.

[2] *Ibid.*, p. 1209; and vol. xliv. p. 1110.

[3] *Ibid.*, vol. xliv. pp. 84, 229, 249, 324, 541.

[4] See especially Grote's speech, in *Hansard*, vol. xliv. p. 658; and Brougham's protest, in *ibid.*, p. 978. And cf. Lord Clancarty, *ibid.*, p. 1110.

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which he submitted and the degradation which he incurred, had the assurance in his old age to describe the important consequences of the bill which he passed, without reminding his readers that but for him Ireland would have obtained the same bill three years before.[1]

Irish Corporation Bill.

The humiliation to which the Whig Ministry had thus submitted might have almost satisfied its fiercest opponent. But it was destined to encounter one more rebuff during the memorable session of 1838. On the 29th of May, Russell proposed that the House should resolve itself into a committee on the Irish Corporation Bill. The measure, which had been read a second time early in the session,[2] divided the towns which it affected into three schedules. The first two schedules contained the large and important towns, the third schedule the smaller towns. Peel at once offered to allow the eleven largest towns in Ireland, whose names were contained in the first two schedules, to receive elected governing bodies, provided that the franchise of the new electors was fixed at 10*l.* rateable value.[3] He offered at the same time to allow a majority of the 10*l.* electors in the smaller towns to apply to the Lord Lieutenant for a charter of incorporation.[4] On the 1st of June, Russell intimated his readiness to meet Peel half-way. He was ready to accept the proposal for limiting the corporations to the eleven largest towns, allowing the electors of the smaller towns to apply for a charter, but he was not prepared to limit the franchise in the smaller towns to 10*l.* householders.[5] The Liberal party, in fact, already annoyed at the concessions which their leader had made, refused to allow him to concede anything further.[6] Mustering in Russell's support, they rejected Peel's

[1] *Recollections and Suggestions*, pp. 153, 154.
[2] *Hansard*, vol. xl. p. 723.
[3] *Ibid.*, vol. xliii. p. 449.
[4] *Ibid.*, p. 457.
[5] *Ibid.*, p. 515.
[6] *Ann. Reg.*, 1838, Hist., p. 128.

alternative proposal;[1] and the bill, with a 10*l.* franchise for the larger towns, and a 5*l.* franchise for the smaller towns, passed the House of Commons.[2]

Once more the Lords had an opportunity of displaying their dislike to change and their veneration for old abuses; and once more Lyndhurst came forward to carry out their wishes. He easily succeeded in persuading his brother peers to strike the 5*l.* qualification out of the bill, to substitute for it one of 10*l.* clear annual value,[3] and to adopt other minor amendments protecting the privileges of existing corporations and of freemen. With these amendments the bill was returned to the Commons. But the Commons naturally declined to accept the decision of the Lords. On Russell's motion they struck out the qualification which Lyndhurst had imported into the measure, and substituted for it an 8*l.* rateable value.[4] Other amendments were subsequently rejected, and the bill again returned to the Lords. The Lords, however, stood firmly by their own decision. A conference between the two Houses failed to reconcile either of them to the view of the other, and the Municipal Bill was accordingly abandoned.[5]

In these events the Ministry had incurred much disrepute. They had, indeed, succeeded in introducing a Poor Law into Ireland, and in converting Irish tithes into a rent-charge. But the first of these measures had been forced on the Irish against their wish; the second of them had been carried only by the abandonment of the principle on which the Ministry was founded. Liberal members, with confidence in their own views, could hardly conceal their impatient disapproval of this state of things. 'We have both a Conservative Ministry and

[1] By 286 votes to 266. *Hansard*, vol. xliii. p. 651.
[2] *Ibid.*, p. 1070.
[3] *Ibid.*, vol. xliv. pp. 150–167.
[4] *Ibid.*, pp. 909, 922.
[5] For these debates, *Ibid.*, pp. 1035, 1112–1122.

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Discontent of the Radicals.

a Conservative Opposition,' was the complaint made by the ablest Radical in the House; and the man who preferred it had already made up his mind to abandon politics for literature, and to devote the abilities which he found were only uselessly employed in the conservative atmosphere of Westminster to studying the history of ancient Greece. The world, in consequence, became, in one sense, richer from the half-hearted policy of Melbourne's Administration. Grote would not have found leisure for the completion of his great work if dislike of a feeble policy had not driven him from Westminster.[1]

Radicals like Grote were not the only persons who were dissatisfied with the results of the session. The ministers were themselves conscious of their own failure. Two particular departments of the Government had been especially exposed to attack. Every Radical considered that Glenelg, the Colonial Secretary, was the weakest member of the Administration. Every Tory was profoundly dissatisfied with the administration of Ireland by Mulgrave, who had been advanced a step in the peerage and made Lord Normanby. Glenelg's policy in the Colonial Office had been made the subject of attack by Molesworth, the Radical member for Cornwall;. and Glenelg had only been saved by the Tories endeavouring to inculpate the entire Ministry.[2] At a still earlier period the state of Ireland had been the subject of debate, and an intemperate Irish peer had made a furious attack upon the Whig administration of Ireland.[3]

This attack was emphasised by an event, as unexpected as it was horrible. On the 1st day of 1839, Lord Norbury, the son of the Irish judge who had presided at Emmett's trial, an elderly peer, whose life had

[1] *Personal Life of Grote*, p. 127. [2] *Hansard*, vol. xli. pp. 476, 526.
[3] *Ibid.*, vol. xxxix. p. 212.

been spent in acts of kindness and charity, who had taken no active part in politics, and who was believed to be on good terms with his tenantry, walking with his steward in a plantation on his Meath estate in open daylight was shot and mortally wounded.[1] The assassin escaped; and the Tories unanimously attributed the crime to agrarian outrage, and declared that atrocities of this character had been encouraged by Normanby's leniency. The Irish might have gone on shooting agents without provoking much remark; the horrible murder of an unoffending nobleman raised a storm of indignation.

Normanby would, perhaps, have been wise to have faced the storm which had arisen. Instead of doing so he carried out the intention which he had already formed of escaping from a position of which he was weary. To break his fall his colleagues determined to sacrifice Glenelg. Glenelg was told that it was intended to reconstruct the Ministry, and that the proposed alterations would involve his own removal to another office. Disliking the change, disliking still more the manner in which it was made, he at once made up his mind to retire—

'Nothing in his' office
'Became him like the leaving of it.'

He had the dignity and the temper to refrain from casting, either in public or private, any reflection on the colleagues who had treated him with such scant courtesy.[2] His retirement enabled Melbourne to place Normanby in the Colonial Office. In Normanby's place Melbourne endeavoured to secure the services of his

Reconstruction of the Ministry.

[1] *Ann. Reg.*, 1839, Chron., pp. 3, 315. *Hansard*, vol. xlvi. p. 39. Emmett's speech was circulated through the neighbourhood before the murder. *Ibid.*, p. 42.

[2] For Lord Glenelg's explanatory speech see *Hansard*, vol. xlv. p. 183. His friends declared that he had been shamefully used; and Brougham told Macaulay that it was a case for pistolling. Trevelyan's *Macaulay*, vol. ii. p. 50.

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old friend Spencer, the 'honest Jack Althorp' of Grey's Ministry. Spencer, however, preferred his short-horns and Northamptonshire to Ireland and a Viceroyalty;[1] and Melbourne thereupon selected Ebrington for Ireland. Ebrington was the eldest son of the first Earl Fortescue by Hester, the daughter of George Grenville. Through his mother he inherited administrative abilities of a high order. From his father he derived the sound constitutional principles which made him the firm adherent of the Whig party. In the autumn of 1831, after the rejection of the Reform Bill by the Lords, he had proposed the resolution which had enabled the Whigs to remain in office.[2] At a still earlier period he had distinguished himself by introducing O'Connell to the House of Commons.[3] A Liberal member of Parliament, who had especial claims on O'Connell, seemed likely to prove an acceptable Viceroy. Unluckily, the year before, Ebrington was reported to have declared that he had voted for the Tithe Bill 'because it would render the war against the Protestant Church in Ireland more formidable.' The Tories inferred from these words that Ebrington was in favour of continuing war in Ireland, and that therefore his appointment made peace impossible.[4] The speech was unfortunate; but the Ministry declined to admit that it disqualified Ebrington for the situation. At the end of February he was summoned to the House of Lords as Baron Fortescue, and in March he proceeded to Dublin.

Lord Ebrington Viceroy.

Ebrington reached Ireland at an anxious moment. Tory magnates were universally ascribing the outrages which had culminated in Lord Norbury's death to the conduct of the Irish Government. In the previous

[1] *Spencer*, p. 552.
[2] *Ante*, vol. ii. p. 656.
[3] *Ibid.*, p. 521.
[4] For Ebrington's speech see *Hansard*, vol. xliv. p. 656. For the attack on him for it, *ibid.*, vol. xlv. p. 951. For his own explanation, *ibid.*, p. 1144.

autumn O'Connell, dissatisfied with the new Poor Law, and justifiably indignant at the conduct of the House of Lords, had commenced a new agitation for justice to Ireland. For the purpose of securing to Ireland the justice which he sought for her he proposed the formation of a new association to petition Parliament for corporate reform, for an extension of the suffrage, and for an increased number of representatives. O'Connell gave the association the singular name of the Precursor Society; its members were consequently styled Precursors, or more commonly, for shortness, 'Cursers.'[1] The society was ostensibly formed to support the Ministry against the Tories; and Irish magnates and landowners, who usually sympathised with the Tories, were naturally alarmed at it. At the end of 1838 the magistrates of Tipperary, trembling at the possibility of renewed outrages in the coming winter, memorialised the Irish Government for protection. Normanby replied to their memorial through his under-secretary, Drummond, an officer of Engineers, who had been private secretary to Althorp, and who had filled the office of Under-Secretary at Dublin Castle since 1835. Drummond, instead of complying unconditionally with the prayer of the Tipperary magistrates, took the opportunity of lecturing them on their duty as landlords, enforcing his criticism by observing that 'property has its duties as well as its rights!' The happy phrase which, since 1838, has passed into a proverb, raised a storm of indignation throughout Ireland when it was first employed. The Irish, Irish landlords thought, were the last persons who should have been authoritatively reminded of the duties of property. The magistrates of Meath, summoned by the Lord Lieutenant to consider the measures to be taken in consequence of Lord Norbury's murder, passed a series

Renewed agitation in Ireland.

[1] *Life of Whately*, vol. i. p. 418.

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of resolutions ascribing the increasing animosity of Irish peasants to Drummond's letter, and appealing from the Irish Executive, from whom, they declared, they had nothing to hope, to the British Legislature.[1]

The attack on the Irish Government.

The Conservatives in Parliament readily responded to the appeal. Irish country gentlemen, irritated with Normanby, and feeling no confidence in Ebrington, seized the opportunity for attacking the Irish Government. In the House of Commons, Shaw, the Recorder of Dublin, and one of the members of its University, a gentleman whose eloquence and intemperance had made him the leader of the Irish Protestants, moved for returns relating to crime in Ireland from 1835 to 1839. He desired to show that the tranquillity which Normanby boasted that he had secured did not exist, and that Ireland was the prey of secret organisations, which were making her soil uninhabitable.[2] The returns were conceded by the ministers, who took the opportunity of offering a long explanation of their Irish policy. These explanations were not of much significance. Everyone understood that the true attack on the Ministry would be made in the House of Lords, and that Shaw was only making a preliminary reconnoissance to test the strength of the Ministerial position. The real onslaught was led by Lord Roden, who, on the 21st of March, moved for a select committee to enquire into the state of Ireland since 1835. The terms of the motion, and the period which the proposed enquiry was to embrace, implied that it was Roden's object to cast a direct censure on the Normanby administration. His object was, at any rate, plain enough from the speech in which he advocated the enquiry. Ireland, he argued, was the unfortunate victim of a serious conspiracy; the life and property of the Irish were insecure; and this insecurity had been aggravated

[1] *Ann. Reg.*, 1839, Hist., p. 40. [2] *Hansard*, vol. xlvi. p. 25.

by the unwise clemency of the Viceroy. Normanby endeavoured to show, in reply, that serious crime in Ireland had diminished under his administration, and that the proportion of convictions to offences had, in the same period, increased. The peers, who were still influenced by the recollection of the details of Norbury's murder, were in no humour for statistics of this sort. Notwithstanding Melbourne's declaration that he should regard the success of the motion as 'a pure censure upon the Government,' the Lords conceded the enquiry which Roden claimed by 63 votes to 58.[1]

The vote reversed by the Commons.

The Lords had cast a direct censure on the Irish Government. Such a vote, if it had been endorsed by the Commons, must have led to the immediate resignation of the Whig Ministry. Russell at once declared that immediately after the Easter recess he should take the opinion of the Lower House of the Legislature on the conduct of the Irish Government.[2] O'Connell devoted the interval which thus occurred to call upon his 'two millions of Precursors' to rally round the Ministry, and to declare their confidence in the principles on which Normanby had acted.[3] Roden's success had thus been instrumental in inflicting a new agitation on the unhappy country which had become the constant scene of party warfare. The agitation did not materially affect the real issue. On the 15th of April, Russell asked the House to affirm the expediency of persevering in those 'principles which have guided the Executive Government of Ireland of late years, and which have tended to the effectual administration of the law, and the general improvement of that part of the United Kingdom.'[4] In doing so the ministers had the courage to refer their conduct to the 'direct and unequivocal opinion' of

[1] *Hansard*, vol. xlvi. pp. 948, 974, 1031, 1047. The committee's report is in *ibid.*, vol. xlix. p. 510.

[2] *Hansard*, vol. xlvi. p. 1118.

[3] *Ann. Reg.*, 1839, Hist., p. 61.

[4] *Hansard*, vol. xlvii. p. 4.

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their supporters, and to declare that they would 'exist no longer on sufferance.'[1] This declaration was, of course, warmly cheered by the followers who crowded the benches behind them, and whose political sympathies obscured their memory. It sounded strangely enough in the ears of those Liberals who recollected the humiliation of the previous year, and who had not forgiven or forgotten the conduct of the Whig leaders towards Canada and Ireland. 'I say,' exclaimed Leader, 'that they have remained in power these two years on sufferance. I say more, that they exist this moment by the sufferance of ten or twelve men; and that, if ten or twelve of those sitting on this side were to join the honourable gentlemen opposite, they would cease to be a Government. I say, moreover, that, if a general vote of want of confidence were proposed, more than ten or twelve on this side would support that vote against the Government. In what position, then, is the Government placed? Why, the Right Honourable member for Tamworth governs England. The Honourable and learned member for Dublin governs Ireland. The Whigs govern nothing but Downing Street. The Right Honourable member for Tamworth is contented with power without place or patronage, and the Whigs are contented with place and patronage without power. Let any honourable man say which is the more honourable position.'[2]

The discontent of the Radicals.

Supported by the Radicals, the Ministry succeeded, after a long debate, in passing the resolutions which Russell had proposed.[3] But Leader's speech had given them fair warning of the discontent of some of their supporters. Just as the Tories had not been appeased by the substitution of Ebrington for Normanby in Dublin, so the Radicals had not been satisfied by the change of Colonial Secretaries in Downing Street. The sharp measures

[1] *Hansard*, vol. xlvii. p. 292. The expression was Morpeth's.

[2] *Ibid.*, vol. xlvii. p. 373.

[3] *Ibid.*, p. 447.

of repression which had been adopted in Canada still lingered in their memories; and a kindred question, which had arisen in the West Indies, threw fresh light on the colonial policy of the Whig Ministry. Ever since the great measure of 1833, which had abolished slavery, the planters of Jamaica had been angrily complaining of their treatment by the British Government. They declared that their property had been recklessly sacrificed to satisfy the clamour of some ignorant humanitarians. Throughout the whole course of the struggle the planters had been more distinguished for their obstinacy than their prudence. The definite abolition of slavery inflamed their passions and blinded their reason. The local Legislatures had been given a definite interval to enable them to prepare for the complete extinction of enforced labour. They made no preparations for the approaching freedom of the negroes. They declined even to pass any measure for distinguishing between prædial and non-prædial apprentices, for affording them protection, or for ensuring them adequate food, shelter, or clothing. In consequence the negroes who happened to be apprentices to bad masters were treated with a cruelty which they had not experienced as slaves. The slave had always been allowed fourteen pints of Indian corn and twenty-one pints of flour a week: the allowance to the apprentice was reduced to ten pints of corn and eight pints of flour.[1] In Guiana, before 1833, the mother of six children and women in pregnancy had been exempted from field labour. The exemption was refused to the apprentices.[2] The Emancipation Act had required that no apprentice should be worked more than nine hours a day. With a refinement of cruelty the apprentices were marched eight or nine miles to their work, and their labour was thus prolonged to fourteen or fifteen hours. The British Parliament

Jamaica.

The apprentices.

[1] *Hansard*, vol. xlii. p. 47.

[2] *Ibid.*, p. 59.

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had declared that female flogging should cease: it was admitted that female slaves were constantly flogged. Before 1833 the master had felt some interest in the life of his slave. After 1833 he thought his interest was best secured by working him to death before the expiration of his apprenticeship. He regarded the negro as a bad farmer regards the farm which he holds on a short lease. He decided on exhausting it before the end of the term.[1] He carried out his brutal part effectually. Underfed men and women, marched long distances to their work, were tasked beyond their drooping strength. When exhausted nature refused to work they were sent to the house of correction for obstinacy, and placed on the treadmill. Women were flogged on the treadmill till they fainted; women were flogged on the treadmill till they died.[2]

Stories of this character, whispered and repeated in England, naturally created a great sensation. The narrative of a negro, himself the victim of the disgusting cruelty of a brutal master, himself the witness of the terrible scenes in the house of correction, was widely circulated in this country. The Colonial Office, forced into action by the public, appointed a commission to investigate the story, and all the essential particulars of the tale were corroborated.[3] It sent out an officer in 1837 to examine and report on the Jamaica prisons.[4] The action which the Ministry found it necessary to take did not satisfy the people. The agitation which Wilberforce had originated, and which Buxton had revived, was suddenly renewed. The people, meeting in their thousands in the spring of 1838, determined to insist on the liberation of the prædial as well as

[1] See Williams' story, *Hansard*, vol. xlii. p. 48.

[2] *Ibid.*, vol. xliii. p. 118. A coroner's jury, which enquired into the death of a woman tortured to death on the treadmill, resolved that she had died by the 'visitation of God.'

[3] *Ibid.*, vol. xlii. p. 48.

[4] *Ann. Reg.*, 1839, Hist., p. 96; and *Hansard*, vol. xlvii. p. 860.

the non-prædial apprentices on the succeeding 1st of August. More than three thousand petitions, containing, it was said, more than a million of signatures, were presented with this object to the Legislature.[1] Politicians in Parliament were discussing the compromises which were being gradually concluded between Russell and Peel. The people out of doors, lashed to fury by the narrative of a negro, talked of nothing and thought of nothing but the wrongs of the Jamaica apprentices.

The foreign slave trade.

It so happened that, at the very period at which attention was prominently directed to the cruel treatment of the apprentices in the British West Indies, fresh accounts were received of the horrible atrocities which were perpetrated by the slave traders of other nations. The steps which this country took to check the slave trade, unfortunately, increased the sufferings of the unfortunate negroes who were torn from their homes. On one vessel, concerning which particulars were received, 180 or 200 slaves were crowded into a space only two and a half feet high. Ophthalmia broke out among them; and the master of the vessel endeavoured to stamp out the disease by throwing every negro who was infected with it overboard.[2] Diseased negroes were not the only slaves who were ruthlessly drowned by their inhuman captors. Up to the 1st of January, 1836, a British cruiser could not condemn a Spanish ship—till a more recent date it could not condemn a Portuguese vessel—unless slaves were actually on board of it. An American ship could assume the Portuguese flag at the Cape de Verd by paying a fee of 100 dollars.[3] In consequence the slave ships which

[1] *Hansard*, vol. xliii. p. 409.

[2] *Ibid.*, vol. xl. p. 1288.

[3] *Ibid.*, vol. xli. p. 322. Lord Howard de Walden, the British Minister at Lisbon, was instructed to induce the Portuguese Government to declare the slave trade piracy. Instead of obeying his orders, he wrote to 'My dear Viscount' de Sa Bandeira telling him how he could best evade the demand. 'This, in short, strikes me as the outline of the best case to make out.' See *Hansard*, vol. li. p. 968; *Ann. Reg.*, 1840, Chron., p. 444.

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were overtaken by British cruisers escaped condemnation by the simple process of drowning their slaves. Even the regulations which were made by this country were supposed to increase the sufferings of the slaves. The British Ministry allowed the navy a bounty of 5*l.* on every slave which was recovered and restored to freedom. It was alleged that the navy, in consequence, was interested in recovering slaves instead of stopping the slave trade; and that, instead of seizing the vessels engaged in the traffic before the negroes were on board, the officers of the Royal Navy waited till the entire cargo was shipped. The head-money which the British Government granted, instead of checking the slave trade, encouraged the shipping of slaves.

Brougham attacks the foreign slave trade.

There was no real connection between the atrocities of the slave trade and the grievances of the West Indian apprentices. But the sufferings which the negro race endured under one system set off the description of their misery under the other. The agitation which had been kindled by Williams' story was fanned by the accounts which were received from the West Coast of Africa. One man was ready enough to avail himself of the temper of the people to embarrass the Ministry. Nearly ten years before Brougham had been distinguished for the support which he had afforded to the abolitionists. But, during his whole tenure of the Chancellorship, he had done little or nothing to carry out the views which he had thus expressed in Opposition. On the contrary, it was roundly stated that, in the discussions in the Cabinet in 1833, he had sided with Stanley, and had voted against the more generous policy which Lord Howick had advocated. In 1838, however, this passage in his biography had no terrors for Brougham. He had returned to his place in Parliament with a determination to chastise the Ministry which had the presumption to exclude him from power.

Slavery was a convenient theme for his declamatory eloquence; and accordingly, on the 29th of January, 1838, he seized the opportunity, which the presentation of some petitions afforded him, to denounce 'the accursed traffic in slaves.' He followed up the attack on the 20th of February by moving a series of resolutions condemning the payment of head-money, and insisting on the termination of the apprentice system on the succeeding 1st of August. The atmosphere of the House of Lords was not suited to Brougham's vigorous declamation. His advice fell coldly on the peers, and his resolutions were defeated.[1] But the Ministry, stung by the attack which he had made, and alarmed at its repetition in the House of Commons, agreed to an address proposed by Inglis condemning the trade, and consented to abandon the system of head-money, substituting for it a tonnage bounty on captured slave vessels.[2]

Inglis had effected one of the objects at which Brougham had aimed. The abolitionists, however, were even more anxious to shorten the term of apprenticeship than to obtain the abolition of head-money. In 1837 they would have appealed to Buxton to take charge of their case. But in 1838 Buxton did not enjoy the advantage of a seat in Parliament. All his great services in the cause of humanity had not commended him to the electors of Weymouth, and, at the general election of 1837, they had preferred a Tory to the distinguished humanitarian. In Buxton's place the abolitionists placed their brief in the hands of Sir George Strickland, the representative of Yorkshire, the great county which had always been foremost in the work of abolition. Strickland proposed the termination of the apprentice system on the 1st of August. The Ministry, instead of simply resisting his proposal, met

[1] *Hansard*, vol. xl. pp. 1284–1357.
[2] *Ibid.*, vol. xlii. pp. 1122–1154; and vol. xliii. pp. 128–131.

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it with a motion that a bill providing for the better treatment of the apprentices should be read a second time. The alternative motion was entrusted to Sir George Grey, the Under-Secretary of State for the Colonies, and the cousin of Lord Howick. It thus, by a singular coincidence, fell to the lot of one Grey to defend the continuance of a system whose introduction had driven another Grey from the Colonial Office. The coincidence, however, escaped attention at the time. The Commons, impressed with Sir George Grey's argument that Parliament had made a compact with the planters, under which the latter had a right to the services of their apprentices till August 1840, defeated Strickland's motion by 269 votes to 215, and Grey's bill for improving the lot of the miserable apprentices was then read a second time.[1]

The apprentice system.

The abolitionists, however, were not discouraged by the defeat which they had incurred. Grey's bill afforded them an opportunity of raising the question a second time; and on the 6th of April—when the House was in committee—they introduced a clause abolishing apprenticeship in Jamaica on the 1st of the following January. Little interest was, however, taken in the discussion, and the Commons adhered to their previous decision by 115 votes to 61.[2] Undiscouraged by a second defeat, on the 22nd of May, 1838, Sir Eardley Wilmot asked the House to pledge itself to the immediate termination of the apprenticeship system, and succeeded in carrying his motion by 96 votes to 93.[3] A small majority in a thin House had practically rescinded the resolution which a large majority in a full House had previously adopted.

These conflicting decisions placed the Ministry in an embarrassing position. They escaped from their dilem-

[1] *Hansard*, vol. xlii. pp. 41, 65, 103, 156, 257, 261.

[2] *Ibid.*, p. 472.

[3] *Ibid.*, vol. xliii. p. 123.

ma by at once stating that effect could only be given to Wilmot's resolution by legislation, and that legislation introduced for the purpose would meet with their strenuous and determined opposition. Would Wilmot introduce a bill to give effect to his resolution? Wilmot, however, satisfied with the success which he had already secured, refused to give the Government the opportunity which it desired, and threw upon it the unpopularity of asking the House to resolve that it was not expedient to carry his views into effect. A motion with this object, introduced by Grey on the 28th of May, was carried by 250 votes to 178; and Parliament stood consequently pledged to a continuance of the apprenticeship system till the date originally agreed upon—the 1st of August, 1840.[1]

In the meanwhile, however, news of these debates was carried across the Atlantic to the colonists who were the subject of them. With the news came pressing despatches from Downing Street recommending the planters to conciliate their opponents by releasing their apprentices. Antigua, Montserrat, Nevis, and Barbadoes all gave way; and more than 120,000 apprentices were at once freed by their decisions.[2] Jamaica still sulkily refused to listen to the remonstrances of Parliament or to the advice of Glenelg. Even in Jamaica, however, the policy of giving way was gradually becoming plainer. There were at least 43,000 negroes on the island who could, under no circumstances, be regarded as prædial apprentices, and who would consequently be entitled to claim their emancipation on the first of the ensuing August. Under any circumstances, then, a large proportion of the negro population of Jamaica would obtain complete freedom in a few weeks. Their emancipation would increase the difficulty of exacting enforced labour from the remainder. The means, more-

The Jamaica Assembly terminates the apprentice system.

[1] *Hansard*, vol. xliii. pp. 128, 150, 280, 430. [2] *Ibid.*, p. 745.

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over, which had been hitherto fashionable in Jamaica for compelling the unhappy negroes to work were taken out of the planters' hands by Grey's bill. Thenceforward a female negro could not be placed on the treadmill, could not be flogged, could not have her hair cut off. Thenceforward even a male negro could not be flogged for any offence which would not expose a free man to the same punishment. Apprentices, held under such regulations, were hardly worth having. The House of Assembly of Jamaica accordingly gave way, and agreed to emancipate their negroes on the 1st of August, 1838.

News of this decision reached England on the morning of the 16th of July.[1] It was, of course, welcomed with rapturous enthusiasm by the abolitionists. The concession, indeed, had been wrung from Jamaica; and the planters, angry at being compelled to give way, displayed their discontent by drawing up a protest against the proceedings of the British Parliament. They had the temerity in this document to contrast the virtues for which the colony was famous with the vices which they thought disgraced the mother country, and, forgetting that they had produced the Mosses, to boast that they had not produced a Burke.[2] If the planters had been left alone they would, probably, have recovered their temper. Unluckily, the Ministry thought it impossible to ignore the report which they had received on the prisons of Jamaica, and they consequently introduced a bill for their better regulation. In England the bill attracted hardly any attention and provoked no opposition.[3] In Jamaica the news of its passage almost produced a rebellion. The House of

The Jamaica Prisons Bill.

[1] *Hansard*, vol. xliv. p. 205.

[2] For the protest see *Ann. Reg.*, 1838, Hist., p. 347. For the Mosses see *ante*, p. 188. Burke the murderer was, of course, the monster whom the Jamaica House of Assembly referred to in their protest.

[3] The only allusion to it in *Hansard* is in vol. xliv. p. 319.

Assembly denounced it as a violation of their rights, and agreed to desist from their legislative functions. Prorogued by the Governor, in the hope that their passions might be appeased, they reassembled to reassert their previous decision. The Governor, in despair, dissolved the angry body; but the new Assembly which he was forced to summon proved as intractable as its predecessor. It at once declared its intention of adhering to the determination of the previous House of Assembly, 'the result of their own mature deliberation, corroborated by the full and cordial sanction of the constituency of the island.'[1]

The crisis in Jamaica.

The crisis which had thus arisen in Jamaica was in some respects similar to that which had occurred the year before in Lower Canada. In both colonies the Governor, acting on instructions from England, found himself thwarted and checkmated by the House of Assembly. But there was this distinction between the two cases: the House of Assembly in Lower Canada was asserting the rights of the majority of the people, and was receiving the support of the extreme Radicals in England. The House of Assembly in Jamaica, on the contrary, was the representative of a small minority of the colonists; and English Radicals were the very men who had urged the measures forward which had provoked the existing discontents. Normanby decided on taking the measures to control Jamaica which Glenelg had adopted to subdue insurrection in Canada. He decided on asking Parliament to suspend the Constitution of Jamaica for five years. The bill, which was introduced for this purpose on the 9th of April, 1839, was entrusted to Henry Labouchere, the member for Taunton, who had just succeeded Sir George Grey as Under-Secretary at the Colonial Office.[2] It was

The Jamaica Bill.

[1] *Ann. Reg.*, 1838, Hist. p. 350; and *Hansard*, vol. xlvii. p. 798.

[2] *Hansard*, vol. xlvi. p. 1243. Sir G. Grey was made Judge-Advocate-General in succession to Outlar Fergusson, who died in November 1838.

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read a second time on the 22nd of April, 1839; and counsel were called in and heard for the House of Assembly and for the people of Jamaica.[1] The Commons, exhausted with listening to a five nights' debate on the affairs of Ireland, obtained in this way a short interval of repose. At last, on the 3rd of May, Russell moved that the House should resolve itself into a committee on the Jamaica Bill, and Peel at once rose to state his objections to the measure. The debate which thus commenced on Friday, the 3rd of May, was terminated on Monday, the 6th of May. The division justified the prediction which Leader had made a fortnight before. Ten Radicals crossed the House and voted against the Ministry. The Ministerial majority was reduced by their defection, and Russell's motion was with difficulty carried by 294 votes to 289.[2]

The resignation of the Ministry.

Technically ministers were entitled to go on. Except upon technical grounds, however, it was obviously expedient for them to escape from the humiliating position into which they had gradually fallen. Morpeth had boldly declared that they would exist no longer on sufferance; and an existence upon sufferance would have been the inevitable fate of a Ministry which had chosen to persevere with an unpopular measure, supported by only a narrow majority. Melbourne accordingly waited on the Queen and resigned his office. The Queen, by her minister's advice, sent for Wellington, who recommended her to transfer the task of forming a Ministry to Peel.[3] The task was easily accomplished. Stanley and Graham consented to join the new Ministry. Peel's more immediate friends were, of course, ready to lend him every assistance; and the chief places in the new Cabinet were filled up in forty-eight hours. In the course of a conversation with the

[1] *Hansard*, vol. xlvii. p. 461. [2] *Ibid.*, pp. 765, 972.
[3] *Ibid.*, p. 981.

Queen on the 9th of May, however, Peel had casually mentioned the changes which it would be necessary to make in the Household. He was surprised at receiving a letter from her on the following day saying that the removal of the ladies of her bedchamber would be repugnant to her feelings. He at once replied, insisting on their removal.[1] The Queen, adhering to her original objections, appealed to Melbourne for help in her difficulty; and Melbourne, with more gallantry than prudence, responded to her appeal. Grave and sensible men, who had already drunk deeply of the cup of humiliation, who had sacrificed their party, their country, and their own reputations by doing so, voluntarily resumed the positions which they had deliberately abandoned, because they were told by their Queen that it was repugnant to her feelings to part with their sisters and their wives.[2]

The Bedchamber question.

The degradation of the Whig Ministry would have been pitiable enough if it had been incurred for the sake of establishing a great constitutional principle. Unfortunately for Ministers, in principle Peel was in the right. In theory every step taken by the sovereign is adopted on the advice of her responsible ministers; and conversely ministers are responsible for every act of the Crown. Responsibility implies liberty to advise and control; and Peel, therefore, had unquestionably the right to advise, and even insist on, the removal of the Whig ladies of the Bedchamber. The more the strict principles of the Constitution are applied to the dispute the more clearly is Peel's view established. Eminent ministers, however, should endeavour to recollect that it is not always necessary to assert great constitutional principles. The mere fact that the Crown, in every dispute, must yield

[1] *Hansard*, vol. xlvii. p. 985.

[2] Lord Morpeth's sister and Lady Normanby were the two ladies to whom Peel specially objected. See his speech in *Hansard*, vol. xlvii. p. 989.

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to the minister ought to teach the minister the impropriety of exacting an unconditional surrender on the occasion of every difficulty from the Crown. Common courtesy requires that some little consideration should be had for the feelings of a sovereign; and the claims of courtesy are not weakened when the minister is a powerful man, and the sovereign a young and inexperienced girl. Had, indeed, the interests of a world, of a nation, or even of a party, been concerned in the removal of the wife of Normanby and the sister of Morpeth from Court, something might undoubtedly be said for Peel's conduct. But it was ludicrous to suppose that the backstairs influence of two estimable and middle-aged ladies could make the slightest impression on public business. The minister who declared that he was afraid of a couple of petticoats seemed disqualified by his cowardice from the task of governing the first country in the world.

Respect for himself should thus have saved the minister from the difficulty which he encountered, even if he had not allowed himself to be influenced by consideration for his Queen. But consideration for the Queen should have taught him that, while he was right in principle, she was right in feeling. He chose to rest the dispute on the strict rules of the Constitution. She shrank from severing herself from all the friends by whom she had been surrounded since her accession. He could not get out of his head that she was a great Queen; she never forgot that she was a young girl. He dreaded that she would become the victim of intrigue: she dreaded the isolation to which her ministers were apparently condemning her. In politics feeling is a stronger power than reason: the people, ignoring Peel's unanswerable arguments, were touched by their Sovereign's conduct. The heads of statesmen were with Peel: the hearts of the people were with the Queen.

The nation's sympathy with the Queen.

The country was, indeed, prepared for an outburst of loyalty. All that the Queen did in 1837 and 1838 encouraged the loyalty of her subjects; and one event, a year after her accession, stimulated its growth. In June 1838 the Queen was crowned at Westminster. The coronation was less magnificent than that of George IV. Discontented Tory noblemen complained that the splendid ceremony was shorn of some of its proportions, and that they had not the opportunity of dining at the public cost in Westminster Hall. The ministers wisely refused to yield to their clamour, and insisted on saving the Queen from the fatigues, the public from the cost, inseparable from such a banquet. But, with equal wisdom, they determined to abridge none of the splendour which could be enjoyed by the general public; and they added to the original programme an outdoor procession which could be seen by large masses of the people. Celebrated in this way, the Coronation proved the greatest holiday that had ever been observed in England. The railways helped the coaches to pour thousands of sightseers from the provinces into London, and 400,000 people are supposed to have come up to town on the occasion. Including its own population, 2,000,000 persons were collected in the metropolis; and every one of these 2,000,000 seemed anxious to obtain a passing glance at the Queen.[1] Her predecessors had frequently won for themselves the flattering compliments of their courtiers: she was winning, by her grace and virtue, the disinterested praise of both high and low.

Loyalty stimulated in 1838 by the Coronation.

Influenced by a passionate loyalty, the people refused to listen to the arguments of Peel, and supported Melbourne in his decision to rescue his sovereign from

[1] For Lord Londondery's complaint about the Coronation see *Hansard*, vol. xlii. p. 543. The coronation of George IV. cost 243,000*l.*; of William IV., 45,000*l.*; of Victoria, 70,000*l.* *Ibid.*, vol. xliii. p. 1304.

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the Tories. The Whigs in this way undoubtedly acquired some temporary popularity. They even flattered themselves that they deserved credit for standing by the Queen and supporting her against the offensive condition which the Tories wanted to impose upon her.[1] It is singular that they should not have seen that they were risking their sovereign's popularity and their own characters by doing so. For the sake of maintaining two ladies at Court they were resuming a duty which by their resignations they had declared themselves incompetent to fulfil. For the sake of saving their Queen from a disagreeable position they were imposing on her a Ministry which in their own judgment was no longer capable of governing. They were sacrificing the greater for the smaller: the substance for the shadow: the welfare of a nation for the comfort of a lady. Nothing but discomfiture to their party and humiliation to themselves could result from their decision. By their own confession they were unable to stand alone; and they were sheltering themselves behind the petticoats of their wives and their sisters.

The Whigs resume office.

In the first instance all the ministers resumed their old offices. A fortnight's delay in the business of the State was the only visible result of the crisis of 1839. A notable change, however, was immediately effected in the appearance of the House of Commons. Abercromby had retained the Speakership since the commencement of 1835; his election had given the Whigs their first victory in the new Parliament; his presidency was a symbol of Whig superiority. Abercromby was an admirable type of the Whig Ministry which had placed him in the chair. No one doubted the excellence and liberality of his opinions, but everyone admitted that he failed as Speaker. It would be unfair to hold Abercromby responsible for the scenes of constant disorder

[1] *Palmerston*, vol. ii. p. 290.

which characterised the debates of 1835 and 1836. Political passions ran high during the period; political parties were evenly balanced; and there were men in the House, like O'Connell and Stanley, who did not mince the language in which they denounced their opponents. A firm Speaker might have been unable to quell the storm which was continually surging around him. Abercromby proved unable even to moderate its violence. Recognising his failure, after a short experience in the chair, he desired to escape from his position, and at Christmas 1836 expressed to the Ministry his anxiety to resign.[1] Melbourne and Russell dissuaded him from doing so, and Abercromby consented to remain in office. One of the earliest debates in the new Parliament of 1837 proved his incapacity. He became involved in a dispute upon a question of order; and the House paid no attention to his ruling. The unfortunate Speaker publicly complained of the indignity which he suffered;[2] and his complaint for a short time won for him a little more attention. His incapacity, however, was soon evident. He complained that his decisions were not supported by Russell; and in January 1838 was with difficulty persuaded to continue in the chair.[3] On the 1st of May, 1839, he was again involved in a dispute with the House. His ruling was again questioned. Russell and the ministers sat silently by without coming to his rescue; and the Speaker declared that his health was no longer equal to his duties,[4] and that he was resolved to resign. His resolution to do so caused the Ministry some embarrassment. Spring Rice had long desired the Speakership. Spring Rice, however, had made himself obnoxious to the advanced Liberals, who disliked his colourless opinions[5] and distrusted his irresolute finance.[6] The ministers

Abercromby retires from the Speakership.

[1] *Melbourne*, vol. ii. p. 217.
[2] *Hansard*, vol. xxxix. p. 746.
[3] *Melbourne*, vol. ii. p. 293.
[4] *Hansard*, vol. xlvii. pp. 703, 870.
[5] *Melbourne*, vol. ii. p. 296.
[6] *Greville*, vol. iii. p. 376.

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had the mortification of discovering that they had no chance of carrying Rice against a Tory candidate. Instead, therefore, of proposing Rice the Government selected a younger man, whose name has been already mentioned in this history—Mr. Lefevre, the elder brother of John Lefevre, one of the 'three despots of Somerset House.' Like Addington, before his appointment to the chair, he had never taken any leading part in Parliamentary debate, and, like Addington, he was admirably qualified to preside over a mixed assembly of Liberals and Conservatives. The former recognised in him a consistent Liberal; the latter saw in him a better specimen of a country gentleman than they could find on their own benches; while both Liberals and Conservatives were ready to acknowledge his sense, his temper, and his tact. Taller and broader than Peel, moreover, he looked every inch the Speaker; while a loud and musical voice enabled him to enforce attention to his rulings without exertion or passion. It was impossible to hope that any Speaker would be unanimously elected in a divided Parliament. The Conservatives put up Goulburn for the chair. But this show of opposition was serviceable to the Ministry. On the Jamaica Bill they had secured a majority of only 5 votes. They carried Mr. Lefevre's election by 317 votes to 299.[1]

Mr. Lefevre elected Speaker.

Ministers had signalised their return to office by winning a new victory. The victory, however, was one which in no way diminished their difficulties. It was a comparatively easy matter to secure the support of the Radicals in a contest for the Speakership; but the Ministry was anxious to ascertain, not what the Radicals thought of Mr. Lefevre, but how they proposed to vote about Jamaica. Technically the House had agreed, by a small majority, to proceed with the Jamaica Bill.

[1] *Hansard*, vol. xlvii. p. 1050.

Ministers, however, could not venture to press on a measure which they had admitted, by their resignations, was not acceptable. The bill was withdrawn; and, on the 30th of May, Labouchere[1] was instructed to introduce a second proposal for dealing with the refractory colony. The first bill had temporarily suspended constitutional government in the island; the second gave the Jamaica Legislature a respite in order to enable it to deal with the crisis. The *locus penitentiæ*, as the respite was inaccurately called at the time, only extended to the 1st of the following October. Its proposal conciliated neither planter nor Conservative. On the 7th of June, Burge, the agent of the colony, was heard at the Bar against the bill;[2] and on the 10th of June the House considered the measure in committee. The main struggle occurred on the first clause, which empowered the Governor in Council after the 1st of October to make ordinances on the subject of contracts for labour, vagrancy, and the occupation of waste lands. The Conservatives used their utmost efforts to secure its rejection. In the first instance they were beaten in their attempt by 228 votes to 194;[3] and the ministers, encouraged by the support of the largest majority which they had secured for years, pressed forward the bill. Every day's delay, however, convinced the House that the best chance of securing the measure a good reception in Jamaica lay in the omission of the clause. After the bill had passed through all its stages, the omission of the clause was moved by Goulburn; the leading Radicals stayed away; and the Conservatives were beaten by only 267 votes to 257.[4] Such a division made the fate of the bill certain. On the 2nd of July the Lords expunged the clause by 149 votes to 80.[5] The bill,

The second Jamaica Bill.

[1] *Hansard*, vol. xlvii. p. 1105.
[2] *Ibid.*, vol. l., appx., p. 107.
[3] *Ibid.*, vol. xlviii. p. 129.
[4] *Ibid.*, vol. xlviii. p. 524.
[5] *Ibid.*, p. 1151.

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thus amended, was deprived of the cause of its being; but the ministers were compelled to accept the half-loaf which the Lords were offering them. Statesmen who consent to carry on a Government without the confidence of the House of Commons, and in opposition to a majority of the Lords, must expect reverses of this description.

The Irish Municipal Bill again lost.

Jamaica, however, was not the only subject on which the Whig Ministry suffered a reverse. Ever since 1835 it had vainly endeavoured to carry a measure of municipal reform for Ireland. In 1839 it advised the Queen, in opening the session, to declare that such a reform was 'essential to the interests' of Ireland. The words implied that the Ministry was determined to force the measure through Parliament. It had the mortification to see that the bill which Morpeth introduced for the purpose met the fate of all its predecessors. Recast by the peers, it was abandoned by the Commons.[1] The colonial policy of the Ministry was thus reversed; its domestic policy was defeated; and the session of 1839 seemed likely to be recollected as a barren period. Its character was only redeemed by two measures, which were almost forced on the Ministry, but which, in their ultimate consequences, were productive of more advantage than a struggle with a colony or even a measure of municipal reform. In 1839 the cause of elementary education won its first considerable triumph in England: in 1839 a penny postage was finally adopted.

It has been already stated that the Whig Ministry had succeeded in 1832 in introducing a new system of education into Ireland. An Education Board had been formed, composed both of Roman Catholics and Protes-

[1] For the bill see *Hansard*, vol. xlv. p. 360. For the Lords' amendments, *ibid.*, vol. xlix. p. 763. Among other amendments, the Lords rejected a clause transferring to the new municipalities the powers hitherto exercised by grand juries of levying money. The Speaker held that the amendment was inconsistent with the Commons' privileges. *Ibid.*, vol. l. p. 3; and cf. *ibid.*, p. 207.

Elementary education.

tants, under which all the State-aided schools had been placed. Uncompromising Protestants in Parliament had received the bill with a shout of indignation. The 'brats at school' were to be deprived of the Bible; and the Bible, the whole Bible, and nothing but the Bible, was the uncompromising cry which was raised by these legislators. They should have recollected the example of the good Christian missionary who fourteen centuries before had translated the Scriptures for the Goths, and who had discreetly omitted the four books of Kings, which, he wisely thought, 'might tend to irritate the fierce and sanguinary spirit of the barbarians.'[1] Fortunately for Ireland the members of the New Education Board disregarded the clamour of Irish Tories, and adapted their proceedings to the precedent of the early missionary. The Government had placed on the board two men who might have made themselves the powerful agents of evil, but who became the constant counsellors of wisdom and good. One of them, Whately, the Protestant Archbishop of Dublin, has acquired a reputation by his literary achievements which will make his name familiar to future generations of his fellow-countrymen. The other, Murray, the Roman Catholic Archbishop of Dublin, has left no similar works behind him by which his memory will be preserved. Yet Murray, like Whately, possessed the broad and tolerant mind which is, unfortunately, the rarest quality in a Christian prelate. These two men, the Roman Catholic and the Protestant, both consented to serve on the Irish Education Board. They exhibited on the board an example as admirable as it was new. Prelates of rival sects, they honestly endeavoured to find some common ground on which they could both stand. They succeeded so well that they agreed on an expurgated copy of the Bible which they were both willing to have

[1] See the account of Ulphilas in Gibbon's *Decline and Fall*, chap. xxxvii.

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read in schools attended by Roman Catholic and Protestant children.

Attacks upon the Irish Education Board.

The success which Murray and Whately achieved, and which resisted the attacks of more bigoted sectarians for twenty years,[1] forms a bright feature in the history of Christianity during the nineteenth century. Surrounded by narrow-minded partisans, the story of whose quarrels must be deferred to a later page, who were endeavouring to maintain a church on a system of exclusion, Murray and Whately accomplished an agreement which seemed almost impracticable. Their conduct ought to have received the warm approval of their contemporaries; instead of doing so, it drew down upon them a formidable attack. Dr. McHale, the Roman Catholic Archbishop of Tuam, denounced the books which had been prepared by Whately and approved by Murray, as most pernicious volumes.[2] Phillpotts, the reckless prelate, whose speeches were distinguished for violence in an assembly which reckoned among its members a Londonderry, a Winchilsea, and a Brougham, denounced the conduct of the board in the House of Lords. His efforts were warmly seconded in both Houses of the Legislature by men who were not much more temperate than himself. Public money, it was again and again asserted, was being spent on the promulgation of Roman Catholic tenets; monks and nuns had actually been entrusted with the work of education; and, at one school at least, some Protestant children had been tempted to witness the celebration of the mass.[3] Moved by the constant attacks made upon the system, Melbourne, in 1837, consented to refer the whole matter to a select committee.[4] The committee's

[1] For its termination see *Whately*, vol. ii. pp. 264–280; and cf. Blackburne's life.

[2] *Hansard*, vol. xliii. p. 268.

[3] *Ibid.*, vol. xxix. pp. 462, 464; and vol. xxxv. pp. 1013–1021. The references are, however, only samples of those which might easily be given.

[4] *Ibid.*, vol xxxvi. p. 1105.

investigations did not moderate the rage of Phillpotts; and, in 1838, the Irish Education Board again became the subject of his uncompromising invective.[1]

In the meanwhile, however, the cause of education was making steady progress. In Ireland the Education Board, notwithstanding the attacks of Dr. McHale and Phillpotts, was at any rate educating 160,000 or 170,000 children.[2] In England advanced thinkers were constantly demanding some adequate machinery for instructing the rising generation of the English people. The ample returns which Brougham had succeeded in obtaining in 1818 stood dusty and neglected on the shelves of the public libraries. Here and there some good Englishman either built or endowed a school, and had the satisfaction of seeing a few poor children, clad in a scrupulously neat and antiquated livery, placed, Sunday after Sunday, in some prominent position in the parish church, to sit patiently listening to a sermon which they could not hear, or which if they heard they could not understand. The enquirer who cared to follow these examplary scholars into the schoolroom usually found that attendance at church was regarded as of more importance than a knowledge of reading. 'The official person' had not yet arisen who, in Mr. Carlyle's language, was to announce 'that, after thirteen centuries of waiting, he, the official person, and England with him, was minded now to have the mystery of the Alphabetic Letters imparted to all human souls in this realm.'[3]

Elementary education in England.

Towards the close of the session of 1833, however, Roebuck had endeavoured to supply the want of which Mr. Carlyle six years after complained. He asked the House to pledge itself in the next session to devise some means for the universal and national education of

[1] *Hansard*, vol. xliii. pp. 221, 1212.

[2] *Ibid.*, p. 249.

[3] Carlyle's works, vol. x. p. 415.

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First motions for an improved education in a Reformed Parliament.

the whole people. His motion was seconded by Grote. It appeared singularly inconvenient to a Ministry which was already occupied with allaying the suspicions which the Irish Education Board had excited. Roebuck was persuaded to withdraw the motion, the ministers themselves undertaking to deal with the matter. A month afterwards, in redemption of their pledge, they proposed and carried a small vote of 20,000*l.* Even this sum was not granted without discussion. Hume desired to appropriate some of the funds of the great charities to the purposes of education. Cobbett, true to his principles of economy, objected to spending anything on education at all. The grant, however, was carried. The Ministry employed it, through the agency of the National Society and the British and Foreign School Society, to encourage the building of schoolhouses, doling out the amount in small sums to meet large local grants. In this way some little progress was made. A few schoolhouses were erected where schoolhouses had not previously existed. But the quality of the education was nowhere improved. As neither of the societies which dispensed the grant had any connection with Roman Catholicism none of the money was expended in educating the children of the Roman Catholic poor. The action of the Government had enabled a feeble ray of light to penetrate into some remote villages. But the feeble ray had hardly in any case relieved the darkness of the surrounding gloom.[1]

The grant, which was made for the first time in 1833, was renewed in the succeeding year; and the richest country in Europe annually devoted some 20,000*l.* towards the education of her children. During this period, however, the friends of education did

[1] *Hansard*, vol. xx. pp. 139, 166, 733; and vol. xlv. p. 301.

not relax their efforts. In 1834, 1835, and 1837 they obtained select committees to enquire into the subject.[1] In 1837, Brougham, the first politician who had made the subject his own, introduced a bill for establishing an Education Board in London;[2] and, late in the following year, Wyse, the member for Waterford, who was chairman of the central Society for Education, moved an address to the Crown with the same object. Wyse's address was only defeated by 74 votes to 70.[3] It was obviously impossible for any Ministry to ignore the lessons of this division; and accordingly, in the beginning of 1839, Russell brought forward a scheme for dealing with the matter. Like Brougham and Wyse he proposed the formation of a central board to distribute the money collected for educational purposes by Parliament. The board, which was to consist of members of the Government, was to be an unpaid committee of the Privy Council. It was to establish a normal school for the education of teachers, who were to receive a religious, moral, general, and industrial education. The grant of 20,000*l.*, which Parliament had hitherto made, Russell proposed to increase to 30,000*l.*[4]

The education scheme, 1839.

To ordinary minds the scheme was open to one objection. A sum of 30,000*l.*—'a small fraction of the revenue of one day'[5]—was obviously insufficient for the work of educating fifteen millions of people; and it was open to every friend of progress to urge that the Ministry was doing too little. 'In the same year,' sneered Brougham, 'in which 30,000*l.* was granted for educating the people 70,000*l.* was voted for building stables for the Queen.' This view, however, found few exponents in 1839. The friends of

[1] *Hansard*, vol. xxiv. p. 139; vol. xxvi. p. 500; and vol. xxxix. p. 1022.
[2] *Ibid.*, vol. xxxix. pp. 432–464.
[3] *Ibid.*, vol. xliii. pp. 710, 738.
[4] *Ibid.*, vol. xlv. p. 273.
[5] Carlyle's *Collected Works*, vol. x. p. 411.

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the Church were horrified at a proposal which placed the control of all the elementary schools in the kingdom in the hands of a political body. Up to that time the grant which the Government had made had tended to preserve the monopoly of the Church. A grant which was only made to supplement local contributions was necessarily paid in the great majority of cases to the wealthier sections of society. Under the new system the Church would have no such advantage. There would be no guarantee that the committee of the Privy Council would not spend the money in encouraging the efforts which poor and obscure communities were making to impart some little knowledge to their children, under the guidance of a Dissenting minister or of a Roman Catholic priest. In the first instance, indeed, the most zealous Churchmen hardly realised all the objections which they afterwards learned to urge against Russell's proposal. Inglis himself, the representative of Oxford University, actually congratulated the country that so little mischief was done by it.[1] Even a little cloud the size of a man's hand was not visible on the Parliamentary horizon. Symptoms of the coming storm, however, soon appeared. The ministers drew up an Order in Council for giving effect to their plan. The order had, at any rate, the effect of putting zealous Protestants on their guard. Night after night the table of the House of Commons was laden with petitions against the scheme. Terrified by these petitions, the ministers abandoned their proposal for establishing a normal school.[2] This concession did not conciliate the Opposition. At last, on the 14th of June, Stanley, forgetting that he had himself framed a similar plan for Ireland, attacked the scheme with all the violence of which his eloquence was capable.[3]

The opposition to it.

[1] *Hansard*, vol. xlv. p. 288. [2] *Ibid.*, vol. xlvii. p. 1381.
[3] *Ibid.*, vol. xlviii. p. 229.

After three nights' debate the Government only succeeded in defeating him by 280 votes to 275.[1] The Whig majority had again sunk to the exact number which had led to the retirement of the Ministry on the Jamaica Bill; and the Conservatives, encouraged by the division, refused to allow the money to be voted till the following Monday. On that day the Ministry only succeeded in carrying the vote by 275 votes to 273.[2] Twelve days afterwards the Archbishop of Canterbury moved a series of six resolutions denouncing the scheme. The first of these resolutions was adopted by 229 votes to 118; and the remainder, voted without a division, were embodied in an address to the Crown.[3] The proposal had been adopted in the House of Commons by a slender majority of only 2; it had been condemned in the House of Lords by a majority of nearly two to one, and was apparently doomed.

A modified scheme carried.

Yet the ministers to a certain extent persevered with their scheme. They did not cancel the appointment of the committee of the Privy Council. They even ventured to advise the Queen to express her regret at the Lords' address; and they moderated the anger of the more reasonable prelates by arranging that the inspectors to be appointed by the Council should be chosen with the approval of the Bishops, and should present their reports to the Bishop of the diocese as well as to the committee of the Privy Council.[4] With these modifications the scheme was carried out. The clergy, with a folly too often characteristic of their profession, in many instances refused to touch a grant which was saddled with conditions to which their consciences could not assent. The National Society called for the subscriptions of Churchmen to enable it to compensate

[1] *Hansard*, vol. xlviii. p. 686.
[2] *Ibid.*, p. 793.
[3] *Ibid.*, pp. 1332, 1336.
[4] *Ibid.*, vol. xlix. p. 128. *Ann. Reg.*, 1839, Hist., p. 171. *Recollections and Suggestions*, p. 150.

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the clergymen who were preferring their consciences to their interests.[1] Virtuous self-sacrifice of this character from its very nature soon ceased to trouble the community. Even clergymen, backed by a wealthy society, discovered that they could do their religion more good than harm by accepting instead of obstinately refusing the proffered assistance of the State. In a short time the Church, instructed by circumstances, succeeded in absorbing the greater portion of the grant, and in increasing its own influence; and the Dissenters complained that a scheme, which had been in the first instance introduced in their interests, and which had been resisted by Churchmen, was unduly favouring the cause of the Established Church.

The Post Office.

The step taken in 1839 marks an advance—a little advance—in the progress of education. At the same time a much more important victory was obtained by another set of reformers. The knowledge of the community is increased by the interchange of ideas; and the facilities which modern inventions have afforded for the distribution of information have raised the understanding of the people. In 1839, however, a poor man could not afford to write a letter to a friend at a distance. The Post Office charged fourteen or fifteen pence for conveying a letter from Elgin to London;[2] and fourteen or fifteen pence was the day's wage of an ordinary labourer. The rate of postage was, indeed, only one of the inconveniences which interfered with correspondence. Even in London the letter-boxes for the receipt of letters for the general post were only opened at eight in the morning, and were closed at seven in the evening. The unfortunate person who reached the receiving-box a few minutes after seven was compelled to take his letter home again. Common sense sug-

[1] *Ann. Reg.*, 1839, Hist., p. 172. [2] *Hansard*, vol. xxxix. p. 376.

gested that the boxes might be kept open at any rate till midnight. So revolutionary a proposal was deprecated by the Chancellor of the Exchequer of a Whig Ministry.[1] Its adoption would have seriously interfered with the comfort of the officials in the Post Office; and the comfort of officials was deemed a more important matter than the convenience of the public. Clerks in the Post Office were only employed before nine in the morning and after five o'clock at night. From 9 A.M. to 5 P.M. they were their own masters, free to accept other employment.[2] It was obviously the interest of these gentlemen to prevent the despatch of a second mail in the day. In consequence of there being no second mail, letters which passed through London were commonly delayed for the best part of twenty-four hours; or, if a Sunday happened to intervene, forty-eight hours. 'A letter written at Uxbridge after the close of the Post Office on Friday night,' was 'not delivered at Gravesend, a distance less than forty miles, earlier than Tuesday morning.'[3]

Expense and delay were the common characteristics of the system; but graver charges were concurrently urged against the department. The money order office, for instance, was a private establishment, whose managers were allowed to charge the public eightpence in the pound, and were not in the habit of rendering any accounts to the Postmaster-General. The solicitor of the Post Office was paid by fees, and had, therefore, a direct pecuniary interest in encouraging litigation. The department exercised the right of opening any letters which passed through it, to see if they had been posted at the places at which they were written. It was generally believed that it was a common practice in the country offices to break the seals

[1] *Hansard*, vol. xxxv. p. 422; and vol. xxxvii. p. 810.

[2] *Ibid.*, vol. xxxv. p. 420.

[3] Hill's *Post Office Reform*, p. 51.

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of the letters and to read their contents.[1] Abuses of this character naturally attracted attention in a reformed Parliament. Wallace, the member for Greenock, moved for an enquiry into the working of the department in 1834. He repeated his motion in 1835. The Ministry, unable to answer his arguments, and reluctant to concede a committee, offered to appoint a commission; and, on the recommendation of the commission, they introduced a bill in 1836 to abolish the office of Postmaster-General, and to place the office under commissioners.[2]

The commission of 1835.

The House of Commons had now ascertained the full extent of the reform which the Government was willing to concede. It was willing to place an office hitherto regulated by an amiable nobleman under three commissioners of its own choosing. The people were complaining that the coach would not run at all. The wheels were out of order; the springs were broken; the body was inconvenient and lumbersome; and the fares were prohibitive; and the Ministry gravely proposed to change the coachman. A few months after this decision a young man, whose name was unknown beyond a narrow social circle, published a pamphlet on 'Post Office Reform: its Importance and Practicability.' Rowland Hill, the author of this pamphlet, was the son of Thomas Hugh Hill, a Birmingham schoolmaster. Rowland Hill observed that, while the population and wealth of the country were increasing, the Post Office revenue was slowly declining. A little reflection satisfied him that, as the consumption of all other commodities increased when the taxation upon them was reduced, a general reduction in the rates of postage would ensure a similar increase in the business of the Post Office. By carefully analysing the accounts of the

[1] *Hansard*, vol. xx. p. 369; vol. xxix. p. 376; and vol. xxxix. p. 503.

[2] *Ibid.*, vol. xxiv. p. 855; vol. xxix. pp. 372, 395; vol. xxxv. p. 418.

department he discovered that many expenses which it incurred were only indirectly connected with the conveyance of letters, and that the cost of carrying a letter for a long distance was almost inappreciably greater than the cost of carrying it a short distance.[1] These discoveries pointed to the adoption of a uniform rate of postage throughout the country. But a low rate of postage was obviously impossible without a radical change of system. In 1839 the postage upon letters was never prepaid. The clerks in the Post Office were compelled to estimate the postage of each letter, one by one, on its passage through the post. As these rates depended on minute calculations they necessarily absorbed a large staff of persons in making them. But the eccentricities of the system did not end with these calculations.[2] The letter carrier, in delivering the letters, had to collect the postage on each letter. It took, on an average, two minutes to deliver a letter under this system in a London street. With the genius instinctive in a true administrator Hill at once saw that all these complicated arrangements could be superseded on the adoption of a uniform rate of postage. If all letters were charged the same rate the calculations which the Post Office had at present to undertake would be unnecessary. If all letters were prepaid the letter carrier, instead of demanding the postage at every door, could place them in a slit or box in the door and pass on to the next house. Simplicity and economy could be introduced by the adoption of these expedients; and the Post Office, so Hill declared, would be able to carry a letter to any place in the United Kingdom for a charge of a penny.

Rowland Hill publishes his 'Post Office Reform.'

These arguments, concisely and clearly explained in 'Post Office Reform,' made a great impression on the people. Wallace, in the House of Commons, and

[1] See pamphlet, pp. 16, 17, 18.

[2] *Ibid.*, p. 23.

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Brougham, in the House of Lords, drew attention to Hill's scheme.[1] Lord Lichfield, who presided over the Post Office, thought it necessary to correct the errors into which Hill, as he imagined, had fallen. Postage, he argued, was only paid on 24,000,000 letters. But, if the public were to continue to derive its existing profit from the post under Hill's scheme, it would be necessary for the department to carry, not 42,000,000, but 480,000,000 letters.[2] To the mind of an official like Lichfield it seemed only necessary to state this fact to expose the absurdity of the whole plan. Where were the people who were to write this prodigious mass of letters? Where was the building which, if they were written, would be able to contain the daily quota of the whole? There was no reason for supposing that the scheme would succeed. But its success would ensure its failure. The Post Office would be smothered by the correspondence which it had attracted; and the whole machinery of the department would break down under the undue strain. Hill quietly replied that he 'never yet heard of a merchant, a manufacturer, or a trader, possessed of sufficient capital and other adequate means, being frightened lest his business should become too large.'[3] The people insisted on Hill's scheme being tried; and the Ministry, after vainly endeavouring to defeat the demand by reviving its favourite scheme for placing the Post Office under commissioners,[4] found it necessary to give way, and to refer Hill's scheme to a select committee.

Hill's scheme referred to a select committee.

The committee to which Hill's scheme was referred proved almost as timid as Lichfield. It shrank from recommending so radical a reduction in the postal rates as that which Hill had recommended, and it substituted a

[1] *Hansard*, vol. xxxviii. p. 755; and vol. xxxix. p. 1201.
[2] *Ibid.*, p. 378.
[3] Preface to the second edition of *Post Office Reform.*
[4] *Hansard*, vol. xliv. pp. 291, 582, 846.

twopenny for a uniform penny rate.[1] Fortunately, ministers overruled this suggestion. They had not much inclination to adopt Hill's plan, but they preferred the whole measure which had been recommended by Hill to the half-measure which had found favour with the committee. They reluctantly made up their minds to reduce the postage on the 5th of the following December to a uniform rate of fourpence; and, on the 10th of January, 1840, to a uniform rate of a penny. Members of Parliament agreed to give up the strange privilege which had been accorded them of receiving and sending their letters post-free; and a reform suggested by a man who was almost unknown, and enforced on an unwilling Government by the clamour of a nation, was thus adopted.

The adoption of penny postage.

In one respect Hill's anticipations were not verified. The net revenue of the Post Office fell from 1,649,000*l.* in 1839 to 495,000*l.* in 1840,[2] and the country, therefore, lost more than 1,000,000*l.* a year by the change which it had made. But the loss was reduced year by year in consequence of the rapidly increasing business of the Post Office. Thirty-five years after the adoption of Hill's reform the Post Office carried 962,000,000 letters, or twice the number which Lichfield had ridiculed as an impossibility; and, under the improved system which Hill had originated, the whole of this vast business was transacted with a speed, a rapidity, and an accuracy which would have seemed impossible in 1839. People in every part of the country were able to communicate with one another at a cost which even a day-labourer could afford. The man of business found new opportunities for promoting his trade; the man of pleasure obtained fresh means of devising the amusements which were the occupation of his leisure; the man of

[1] The substance of the report is in *Ann. Reg.*, 1838, Hist., p. 313.

[2] Porter's *Progress of the Nation*, p. 722.

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letters alone regretted that, in the increased facilities for correspondence, the art of letter-writing was lost. When every letter on an average cost its receiver a shilling the writer endeavoured to make it worth the shilling which it cost. Letters were commonly written with a care which is now reserved for essays; and the best letter-writers produced unconsciously some of the purest literature in the language. The best picture which has come down to the nineteenth century of the history and manners of the upper classes of the eighteenth century is to be found in the letters of Horace Walpole. The best account in the English language of the natural objects of a rural district is in the letters of a country curate to his distant friends. Writers of fiction were insensibly influenced by the prevailing fashion. Richardson makes Clarissa relate her sorrows, Miss Burney makes Evelina tell her adventures, in a series of letters. The penny postage has made the voluminous epistles of Clarissa and Evelina impossible expedients for future novelists, just as it has made it impossible to hope for a future Horace Walpole or a future White. Brevity is the chief art which is studied by the modern letter-writer; and to this one end grammar, style, and wit are all usually sacrificed.

These reflections, however, did not occur to the timid ministers who reluctantly adopted Hill's reform. They were occupied with a much more practical consideration. The reduction in the rate of postage might or might not prove beneficial to the country; but its immediate effect would be perceptible enough on the revenue; and, unfortunately, the finances of the country were in a condition which required the attention of statesmen. In 1836 Spring Rice had placed the income of the country at 46,980,000*l.*, the expenditure at 46,316,000*l.*[1] Notwithstanding the alterations which he made in his Budget

[1] See *ante*, p. 365.

the revenue amounted to 48,453,000*l.*, the expenditure to 46,589,000*l.*[1] In 1837 the expenditure was placed at 46,631,000*l.*; while the revenue, affected by the reductions made in the newspaper tax in 1836, and by the crisis which had paralysed trade in the previous autumn, was computed at only 47,240,000*l.* Rice declined under the circumstances to make any reductions in taxation. His prudence was fortunate. Troubles in Canada, complications (which will be related in the ensuing chapter) in Eastern Europe, increased the expenditure of the nation. The distress both of the agricultural and commercial classes diminished its resources. The revenue of the year shrank to 46,090,000*l.*; the expenses of the nation were increased to 47,519,000*l.* It seemed probable that the years of surpluses were over: that the years of deficits had begun.

Finance.

The Budget of 1838 was as unsatisfactory as the Budget of 1837. The expenditure, swollen by the causes which had raised it in the previous year, was placed at 47,479,000*l.*; the revenue, still affected by stagnant trade and agricultural distress, was estimated at only 47,271,000*l.* Spring Rice commenced the year with a probable deficit of 208,000*l.* There was, however, one feature about Spring Rice's financial statements which might have afforded timid bystanders a little encouragement. The figures with which his speeches bristled looked unanswerable, but they had a singular tendency to answer themselves. His surpluses turned into deficits, his deficits into surpluses. In 1837 he had expected 47,240,000*l.*, and he had received only 46,090,000*l.* In 1838 he expected 47,271,000*l.*, and he received 47,833,000*l.* Fortune had proved, in one sense, favourable to Spring Rice. Unluckily, however, the continual requirements of the War Office in dealing with the

The Budget of 1838.

[1] *Hansard*, vol. xxxviii. p. 1717. The expenditure includes the sum required towards the payment of the West Indian compensation.

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The Budget of 1839.

crisis in America disarranged his balance-sheet. The expenditure, which had been placed at only 47,479,000*l.*, rose to 48,233,000*l.*[1] One error in the estimates had corrected the other, and left the minister with only a slightly larger deficit than he had originally anticipated. In 1839 Rice placed the revenue at 48,128,000*l.*; the expenditure, including an extraordinary demand for Canada, at 48,988,000*l.* The Canadian expenditure, however, was not likely to become a permanent charge. An unpopular financier in a weak Ministry did not contemplate the imposition of any new tax to cover it. On the contrary, he increased his embarrassments by abandoning the high postal rates. The greatness of the boon which was thus conferred on the country ought not to blind future generations to the recklessness of the financier who conceded it. Careless finance of this character had not been seen since the days of

[1] The figures in the Budgets are as follows:—

Revenue.		*Expenditure.*	
1836-7.	£	1836-7.	£
Customs	20,540,000	Debt and Consol. Fund	30,620,000
Excise	14,150,000	Army, Navy, Ordnance, Miscellaneous	14,585,000
Stamps	7,000,000		
Taxes	3,575,000		
Post Office	1,540,000		
Miscellaneous	175,000	West Indies	1,111,000
Total	£46,980,000	Total	£46,316,000
1837-8.		1837-8.	
Customs	21,100,000	Debt and Consol. Fund	30,890,000
Excise	13,800,000	Army	6,401,000
Stamps	6,800,000	Navy	4,688,000
Taxes	3,710,000	Ordnance	1,302,000
Post Office	1,660,000	Miscellaneous	2,504,000
Miscellaneous	170,000	West Indies	846,000
Total	£47,240,000	Total	£46,631,000
1838-9.		1838-9.	
Customs	20,796,000	Debt and Consol. Fund	31,750,000
Excise	13,902,000	Army	6,823,000
Stamps	7,002,000	Navy	4,812,000
Taxes	3,654,000	Ordnance	1,547,000
Post Office	1,638,000	Miscellaneous	2,547,000
Miscellaneous	279,000		
Total	£47,271,000	Total	£47,479,000

—Cf. *Hansard*, vol. xxxviii. p. 1714; vol. xlii. p. 1306; and vol. xlviii. p. 1343. There are mistakes in all the reports, which it is possible to correct by collating them.

Vansittart. After the fall of the Melbourne Ministry it was not seen for nearly forty years.[1]

Changes in the Ministry.

Spring Rice had proposed his last Budget. At the close of the session he seized the opportunity, which Sir John Newport's retirement afforded him, of exchanging the House of Commons and the Treasury for the Comptrollership of the Exchequer and the House of Lords. Francis Baring, the Secretary to the Treasury, was selected as his successor. At the same time a greater change was made in the composition of the Ministry. Normanby had proved no more satisfactory than Glenelg in the management of the Colonial Office; and, on the advice of Russell,[2] the Ministry decided on placing the only competent administrator in the Cabinet in the place of difficulty. Russell accordingly became Colonial minister, and Normanby replaced Russell at the Home Office. The changes which were thus made were by no means satisfactory to the Whig party. The more earnest Whigs thought that advantage should have been taken of the opportunity to regain the support which the Ministry had lost, and that, instead of merely shuffling the cards, the Government should have endeavoured to introduce new players into the game. This view was expressly held by the group of statesmen who were directly connected with Lord Grey. They refused to be parties to a position which they rightly thought humiliating to themselves and disas-

[1] The estimates for the year 1839–40 were:—

Revenue.	£	*Expenditure.*	£
Customs	21,500,000	Debt and Consol. Fund	31,843,000
Excise	13,845,000	Army	6,563,000
Stamps	7,054,000	Navy	5,197,000
Taxes	3,694,000	Ordnance	1,732,000
Post Office	1,585,000	Miscellaneous	2,653,000
Miscellaneous	450,000	Canada	1,000,000
Total	£48,128,000	Total	£48,988,000

—*Hansard*, vol. xlviii. pp. 1351–1354.

[2] Torrens' *Melbourne*, vol. ii. p. 311. Much to Lord Russell's credit he suppressed the reasons for the change in *Recollections and Suggestions*, p. 198, and attributed it to a desire to meet Normanby's views.

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trous to the country. Lord Howick[1] retired from the War Office; his brother-in-law, Mr. Wood, resigned the Secretaryship to the Admiralty; and his cousin, Sir George Grey, refused promotion to the Cabinet. In Lord Howick's place the Ministry succeeded in securing the services of the brilliant writer who had raised himself by a few set speeches on Reform to the first rank among the orators of his time. Macaulay, who had returned from India a few months before, became Secretary at War and member for Edinburgh.[2]

The difficulties of 1840.

Reconstructed in this way, the Whig Ministry again met Parliament on the 16th of January, 1840. The meeting took place under circumstances which had been unexampled for more than twenty years. Complications (to be related in the succeeding chapter) had occurred in Eastern Europe. Wars, or misunderstandings threatening war, had concurrently broken out in Persia, Affghanistan, and China. Abroad the future seemed everywhere uncertain; at home commercial embarrassments had restricted the trade of the country, and increased the distresses of the labouring poor. Embarrassment and distress had led to a deficit in the revenue, and the change from dear to cheap postage had aggravated the consequent difficulty. Disorders were again resulting from distress. A miserable population, despairing of obtaining relief, was arrayed in a new and formidable organisation against the ruling classes; and riots, unfortunately attended with loss of life, were occurring at Newport and at Birmingham. The story of the great social movement which is comprised in the history of Chartism is of greater importance than the disputes of Whigs and of Tories, than the rivalry of Russell and of Peel. But the account of it will fall

[1] Lord Howick explained his reasons in *Hansard*, vol. li. p. 768. Cf. Torrens' *Melbourne*, vol. ii. pp. 310, 312.

[2] Torrens' *Melbourne*, vol. ii. p. 314.

more conveniently within a later section of this work. The views, indeed, which the Chartists were urging were only imperfectly understood in Parliament in 1839. There the majority was much more keenly impressed with the necessity for preserving order than with the expediency of listening to a miserable and unrepresented people. From a Conservative point of view the Ministry had failed to maintain peace abroad or quiet at home, and was consequently unworthy of the confidence of the House of Commons. On the 28th of January, Sir John Yarde Buller, a baronet whose amiable character and whose steady support of Conservative principles was rewarded towards the close of a long career by his advancement to the peerage, embodied this feeling in a direct vote of want of confidence. For four consecutive nights the debate, which Buller originated, was continued by greater orators. But the Radicals, though they distrusted the Ministry, declined to join the Conservatives, and the Government was able to defeat the motion by 308 votes to 287.[1] A small majority—on which, however, no dependence could be placed—enabled the Whigs to remain in office.

Buller proposes a vote of want of confidence in the Ministry.

The majority was a little greater than that by which the Whig Ministry had been usually supported. But the slight support which the Ministry received in the Commons, the helpless position in which it was placed in the Lords, disabled it from carrying any useful legislation. It was obvious to everyone that the session of 1840 would be singularly barren of results. It happened that a case of Parliamentary privilege diverted attention from the ordinary business of the Legislature, and, to some extent, excused the inability of the Government to devote its time to other subjects. Up to 1835 the reports and papers which were published by Parliament were not accessible to the general public. It

[1] *Hansard*, vol. li. pp. 650, 1073.

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was presumed that the information which was thus obtained was intended for the guidance of the Legislature alone. These pretensions became more and more impossible after the Reform Bill. The newspapers exercised a constantly increasing influence on the proceedings of the Legislature; and newspaper proprietors naturally objected to be dependent for their information on the favour of individual members of Parliament. In 1835, in accordance with the recommendation of a committee, the House of Commons decided that the papers published under its orders should be sold at a cheap rate. The decision, at the time, attracted very little attention. Noble lords, indeed, like Brougham sneered at 'the libel shop'[1] which the Commons had opened. Such a sneer should not have come from the man who in earlier and better days had justly prided himself on the part which he had taken in promoting the diffusion of useful knowledge in penny magazines and penny encyclopædias. Wise men see the direction of the wind in the movement of a straw; and wise men may trace a fresh victory of freedom in such a small matter as the publication and sale of Parliamentary papers.

The publication of Parliamentary papers.

In the very year in which the House of Commons arrived at this decision Parliament, on the advice of Russell, passed a bill which authorised the Home Office to appoint two inspectors of prisons. The inspectors, among other duties, were desired annually to report on the prisons which they visited. In their first report they mentioned that they had found in Newgate a book, published by Messrs. Stockdale, on the generative system. The inspectors considered the book 'disgusting,' its plates 'indecent and obscene.' Their report was referred to the Court of Aldermen; and these worthy citizens, instead of closing the controversy by forbidding the book, defended it as a scientific treatise.[2] The inspectors,

The report of the inspectors of prisons.

[1] *Hansard*, vol. xlvi. p. 219. [2] Parl. Papers, 1835, vol. xlii. p. 235.

inexperienced in their office, repeated their charge, and declared that the book was one which was 'intended to take young men in by inducing them to give an exorbitant price for an indecent work.'[1] The common sense view that, decent or indecent, scientific or obscene, a work on the generative system was not necessary or desirable literature for prisoners, does not seem to have occurred to these officials.

The case of Stockdale *v.* Hansard.

Stockdale was naturally annoyed at the attack made upon the book. The inspectors' opinion was published by Messrs. Hansard, and sold to the public at the Commons' 'libel shop.' Stockdale was advised to bring an action against Hansard for publishing the report. Hansard, acting under the instructions of the House of Commons, pleaded, first, that the publication was privileged, and second that the libel was true. The issue was tried by Denman, the Chief Justice of the King's Bench, on the 8th of February, 1837. The jury thought that the libel was justified by the indecent and objectionable nature of the work, and found for the defendant on the second issue. The question of privilege was thus avoided by the jury. But the point which the jury had avoided was distinctly raised by the judge. Denman, in his charge, declared that, 'whatever arrangements may be made between the House of Commons and any publishers whom they may employ, I am of opinion that the person who publishes that in his public shop, and especially for money, which can be injurious and possibly ruinous to any one of his Majesty's subjects, must answer in a court of justice to that subject, if he challenges him for that libel.'[2] The Chief Justice of the King's Bench had thrown out a challenge to the House of Commons. The House, on Russell's motion, readily accepted the combat. It resolved, after receiving the report of a committee appointed to examine the question, that the

[1] Parl. Papers, 1835, vol. xlii., p. 285. [2] *Denman*, vol. ii. p. 49.

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power of publishing such of its reports, votes, and proceedings as it shall deem necessary is an essential incident to the constitutional functions of Parliament; that, by the law and privilege of Parliament, this House has the sole and exclusive jurisdiction to determine upon the existence and extent of its privileges; that the institution of any suit for the purpose of bringing them under discussion before any other court is a high breach of such privilege; and that for any court or tribunal to decide upon matters of privilege inconsistent with the determination of either House of Parliament, is a breach and contempt of the privileges of Parliament.[1] Perhaps a little beginning had never led to so mighty an end. Prisoners, in a wretchedly managed prison, had been allowed to read a work which, decent or indecent, could by no possibility be of service to them; and the highest authorities in the kingdom had rushed into strange warfare on the side-issues which the question had indirectly raised. In the olden times parturient mountains brought forth a mouse. It was the strange fate of 1837 to see the mouse rock the mountain.

The resolutions of the House of Commons respecting privilege.

A bold man might have been turned from his purpose by the fierce attitude of the House of Commons. Stockdale, instead of being awed by it, went to Hansard's, bought a second copy of the prison inspectors' report, and brought a second action of defamation against the publisher. Stockdale had openly done what the House of Commons had formally declared that it was a high breach of its privileges for anyone to do; and the House, within eight days of its former resolution, directed the Attorney-General to plead to the action. It was thought desirable to put a plea on record that Hansard had acted by order of the House of Commons. The new issue which was thus raised was not tried till the

Stockdale brings his second action.

[1] The resolutions were carried by 126 votes to 36. *Hansard*, vol. xxxviii. p. 1134.

spring of 1839. The four Judges of the Court of Queen's Bench, Denman, Littledale, Patteson, and Coleridge, unanimously decided against the plea; and Stockdale's damages were assessed at 100*l.* The House of Commons was now placed in a fresh dilemma. According to the resolution solemnly passed in 1837 Stockdale, in instituting his suit, and the Court of Queen's Bench in adjudicating upon it, had committed high breaches of privilege. What then? The House could scarcely order Denman, Littledale, Patteson, and Coleridge to come to its Bar and submit to its reprimand. It could not, on the other hand, appeal against their decision, since the ultimate court of review was the Lords; and the Commons could not submit their privileges for the decision of the Lords. The people out of doors, moreover, were almost unanimously siding with the Judges of the Queen's Bench; and the representatives of the nation could not afford to disregard the voice of the people. Instead, then, of acting on the resolutions of 1837, or of appealing against the decision of the Queen's Bench, the House of Commons referred the matter to a committee.[1] The committee did not speak with a very certain voice. The majority of its members[2] thought that the time had arrived for asserting the privileges of the House. The minority, among which were Russell and Peel, was in favour of giving way.[3] The House itself was almost equally divided on the matter. Independent members were inclined to support the committee; but the numerous partisans on both sides were disposed to follow their leaders. By a small majority of only 184 votes to 166 the House adopted a motion, proposed by Russell and supported by Peel, pledging it to take no proceedings for the purpose of staying the execution of judgment.[4]

[1] *Hansard*, vol. xlvii. p. 1213.
[2] The committee's report is in *Hansard*, vol. xlviii. pp. 301.
[3] *Ibid.*, p. 305.
[4] *Ibid.*, p. 423.

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In every stage of the contest the House had hitherto been worsted. The mouse had beaten the mountain; and the mountain, not the mouse, was 'ridiculous.' If Stockdale had only been satisfied with his 100*l.*, however, people might have gradually forgotten the inconsistencies of statesmen; and the great case of Stockdale *v.* Hansard might have been buried peacefully beneath the dust which accumulates on law books. Stockdale, however, having beaten the mountain, naturally thought that he should get more than 100*l.* from the victory. In the autumn of 1839 he again went to Hansard's, bought a third copy of the 'Prisons Report,' and thereupon brought a third action against its publishers. The Attorney-General, acting on the directions of the House, declined to plead to the action, and judgment was accordingly suffered to go by default. Damages were assessed at 600*l.*, costs at 40*l.* They were levied by two unfortunate citizens, Evans and Wheelton, who happened to occupy the office of Sheriff; and, on the 11th of January, 1840, 'Stockdale obtained a rule, returnable on the 17th, ordering the Sheriff to pay over to him the 640*l.*' which had thus been levied.[1] The difficulty, temporarily avoided in 1839, had thus recurred in 1840.

Stockdale's third action.

Parliament met on the 16th of January, or on the eve of the day on which the rule was returnable. Russell himself interposed before the debate on the address to present a petition from Hansard, reciting the facts and praying for relief; and suggested that Stockdale, the plaintiff in the action; Howard, his attorney; Evans and Wheelton, the Sheriff; Burchell, the Deputy Under-Sheriff; and Hemp, the bailiff, should be summoned to the Bar on the following day. The House, unable to see any better way out of the embarrassing situation in which it was placed, adopted the suggestion of its leader.[2]

[1] *Denman*, vol. ii. p. 63.

[2] The attendance of Stockdale and Hansard was ordered by 286 votes to 167 (*Hansard*, vol. li. p. 100); the

On the morrow the House resolved by 249 votes to 100 that Stockdale had been guilty of a breach of its privileges,[1] and by 239 votes to 135 ordered his committal.[2] Exhausted by its labours, it deferred dealing with the Sheriffs till the following day. The position of the ancient mariner, who tremblingly worked his way between the rock of Scylla and the whirlpool of Charybdis, was nothing to the lot of these unfortunate gentlemen. If they obeyed the orders of the Court of Queen's Bench they were liable to be committed for a breach of privilege by the House of Commons. If they bowed obedience to the House they were liable to be committed for contempt by the Court. The House deliberated on their case on Saturday, the 18th of January. On Monday, the 20th, they ordered the Sheriffs to refund to Hansard the money which they had received for the sale of his goods.[3] The Sheriffs, thinking themselves bound by the order of the Court, declined to do so; and on the following day were committed to the custody of the serjeant-at-arms for refusing.[4]

Stockdale and the Sheriffs committed.

This proceeding brought out, in strong relief, the embarrassments in which the House was involved. Something could be said for the committal of Stockdale; something could have been urged for the committal of the Judges of the Queen's Bench; but nothing could be said for the committal of the Sheriffs. It was admitted on all sides that these gentlemen had behaved as men of honour; it was allowed that they had purposely delayed paying the money over to Stockdale,[5] in order that the House might have a fair opportunity of considering the subject; it was not even suggested that they could have pursued a different course from that which they had adopted; and yet the House of

attendance of the Sheriffs by 206 votes to 117. *Ibid.*, p. 101.

[1] *Ibid.*, p. 181.

[2] *Ibid.*, p. 190.

[3] *Ibid.*, p. 343.

[4] *Ibid.*, p. 412.

[5] *Ibid.*, p. 411.

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Commons had made them the victims—the innocent victims—of its displeasure.[1] The Sheriffs at once applied to the Queen's Bench for a writ of *habeas corpus*. But they had been committed for contempt; and, in cases of committal for contempt, the Judges have no power to examine the validity of the writ of commitment.[2] Evans and Wheelton were sent back to prison. Some members, however, began to question the decency and propriety of indefinitely punishing two innocent individuals. On the 3rd of February, Darby, a comparatively young man, who had recently been elected for Sussex, declared that 'enough had been done for vengeance and too much for justice,'[3] and moved that the Sheriffs should be discharged. The debate was adjourned till Friday, the 7th of February. Darby, opposed by the Government and Peel, was then defeated, and the House by a large majority insisted on pursuing its high-handed proceedings.[4]

Stockdale's fourth action.

In committing Stockdale, and in arresting the Sheriffs, the House probably thought it had settled the question of privilege: it soon discovered that it had done nothing of the kind. On the 27th of January it learned, from a fresh petition from Hansard, that a new action had been brought against him.[5] Howard, the attorney in the cause, had hitherto escaped with a reprimand;[6] he was now arrested and committed to Newgate,[7] where his client, who had hitherto been under the custody of the serjeant-at-arms, was sent to keep him company. In their prison client and attorney had, at any rate, the satisfaction of knowing that they could study at their leisure the great work on the generative system which had been the miserable source of this wretched turmoil. Their committal, indeed, did not stop the fourth suit. Hansard,

1 May's *Const. Hist.*, vol. i. p. 453.
2 *Denman*, vol. ii. p. 65.
3 *Hansard*, vol. li. p. 1111.
4 By 165 votes to 94. *Ibid.*, vol. lii. p. 69.
5 *Ibid.*, vol. li. p. 581.
6 *Ibid.*, p. 493.
7 *Ibid.*, p. 1319.

the defendant to the action, in compliance with the order of the House, declined to plead; and judgment was entered against him in default. Even this victory did not satisfy the irrepressible Stockdale. On the 17th of February the House learned that he had commenced a fifth action. On the same evening it resolved, on Russell's motion, that the Sheriffs, Under-Sheriffs, and others who should aid in the prosecution of such action would be guilty of a contempt of the House and of a violation of its privileges, and subject themselves to the severe censure and displeasure of the House.[1] On the following evening it sent Howard's son, a lad of nineteen, and Pearce, his clerk, to keep Howard and Stockdale company in Newgate.[2]

His fifth action.

Every act which the House had taken, however, rendered its position more and more discreditable. It had commenced by punishing Stockdale; it had concluded by punishing his clerk. The spectacle of the House of Commons committing a boy of nineteen and an obscure clerk in an attorney's office to Newgate was too absurd to be tolerated. People out of doors thought its proceedings too harsh to be defended. The Ministry was compelled, for its own sake, to take some steps for settling the difficulty. On the 5th of March Russell introduced a bill to give summary protection to persons employed in the publication of Parliamentary papers.[3] The bill was not passed without sharp remonstrance. Sir Thomas Wilde, a profound equity lawyer, who had just accepted the office of Solicitor-General, thought that it affirmed the propriety of the judgment of the Court of Queen's Bench, and led the opposition to its introduction.[4] The spectacle of a law officer opposing the most important proposals of his leader had not been seen in the House of Commons since the memorable occasion when Wetherell had attacked Peel for introducing the

Russell introduces a bill to settle the question.

[1] *Hansard*, vol. lii. pp. 318, 320, 324.
[2] *Ibid.*, pp. 376, 385.
[3] *Ibid.*, p. 949.
[4] *Ibid.*, p. 960.

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Roman Catholic Relief Bill. Wilde, however, did not imitate the indecent language of Wetherell. The reins of discipline were only loosely held in the closing years of the Whig Ministry; and Russell, secure in the support of Peel, submitted to Wilde's independent action. The introduction of the bill was approved by a large majority.[1] It was read a second time without a division on the 9th of March; and, on the 20th of March, the bill was read a third time and passed.[2] Wearied with a struggle, in which they had incurred humiliation and contempt, most members were only too glad of any measure which afforded them a means of escaping from the dilemma in which they were involved; and all the arguments by which Wilde had endeavoured to convince them that the bill virtually surrendered the position for which they had previously contended were as nothing compared with the convenience of accepting it.

The bill passed.

The reasons, however, which had influenced the House of Commons had no effect on the Lords. The Lords had not opened a libel shop; the Lords had not been involved in a contest with the Courts. The Lords could safely join with the general public in laughing at the inconsistencies and embarrassments of the Commons. Among the Lords there were many Conservatives who disliked the privilege for which Russell and Peel had contended; there were many Tories who were too glad of an opportunity for bringing the Commons into disrepute; there was, above all, the honest and single-minded Chief Justice, who was in reality the champion on one side of the question. These various facts made the Ministry regard the fate of the bill with apprehension. Luckily for them, however, another circumstance facilitated its progress. The Conservatives were anxious to terminate a struggle which was

[1] *Hansard*, vol. lii. p. 1026. [2] *Ibid.*, pp. 1080, 1276.

dividing their party, and which was, therefore, rendering their return to power difficult. The measure, thus relieved from attack, passed, with a few amendments, through the Lords; and the great controversy which had agitated Queen's Bench and Commons for years was peacefully terminated.[1]

Ministers suffered continuous embarrassment during the progress of these discussions; yet, paradoxical as it may seem, they derived some advantage from the conflict in which they were engaged. The time of the House was occupied with the question of privilege, and its attention was diverted from the other subjects which, under ordinary circumstances, would have engaged its attention. There was, indeed, one matter which the ministers could not afford to neglect. For six years they had annually produced a measure for the reform of Irish municipalities; and municipal institutions in Ireland were still unreformed. In 1836 they had advised the King to say that reform in Ireland should be based on the same principles as those which had already been applied to English and Scotch corporations. In 1839 they had advised the Queen to say that corporation reform in Ireland was a measure of essential importance; and yet, year after year, the Whig Ministry had permitted the Lords to make the Corporation Bill 'a mockery, a delusion, and a snare;' and year after year the Commons, unwilling to accept the Lords' amendments, had flung out the mutilated measure.

The Irish Municipal Bill.

Wise from experience, the Ministry in 1840 did not venture on making the Queen declare that municipal reform in Ireland was a measure of essential importance. They contented themselves with inserting in the Speech a short paragraph recommending the state of the municipal corporations of Ireland to the early attention

[1] The debates in the Lords are in *Hansard*, vol. liii. pp. 554, 667, 967.

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of Parliament.[1] Morpeth, on the 27th of January, obtained leave to introduce a bill on the subject. The bill divided Irish towns into three categories. In the first category were included the larger towns, whose governing bodies were to be elected by the householders rated at 10*l.* a year. The other towns were separated into two lists, the first comprising those which possessed corporate property worth 100*l.* a year, the second consisting of the remainder whose property did not reach that sum. The Viceroy was to be at liberty, on the application of a majority of the inhabitants rated at 8*l.* or upwards, to concede a charter to any one of these towns. In the interval the corporate property of those in the first list was to be entrusted to commissioners appointed under an Act of George IV.; the property of those in the second list was to be placed under the management of the Poor Law guardians.[2] The feeble measure would have been rejected with scorn two years before. In 1840 only a few Tories, who wished to maintain the Protestant supremacy unimpaired, ventured to oppose it; and the second reading was carried on the 14th of February,[3] the third reading on the 9th of March,[4] by very large majorities.

It was open to the Irish to say that the Ministry had abandoned the principles for which it was worth while contending, and that, instead of providing Ireland with the remedy which was due to her, they were only offering her the concessions which they were able to extort from the Lords. The peers, however, were not willing that the boon which Ireland was to receive should be given ungrudgingly. Wellington, indeed, at once assented to the second reading, which, with his assistance, was carried by a large majority.[5] But this victory did

[1] *Hansard*, vol. li. p. 3.
[2] *Ibid.*, p. 641.
[3] By 149 votes to 14. *Ibid.*, vol. lii. p. 273.
[4] By 182 votes to 34. *Ibid.*, p. 1068.
[5] *Hansard*, vol. liii. pp. 1164, 1180.

not secure the success of the bill. Lyndhurst insisted in committee on various amendments, which preserved the rights of freemen and raised the franchise in the smaller towns to 10*l.*,[1] and, with these and other amendments, the bill at last passed. The most intolerant Protestant might have reflected with shame on the narrow measure of justice which had been meted out to Ireland. An English Bishop, on the contrary, had the bigotry to protest against the measure to the last, 'because by this wilful and deliberate abandonment of the cause of true religion. . . . we have provoked the justice of Almighty God, and have given too much reason to apprehend the visitation of Divine vengeance for this presumptuous act of national disobedience.'[2] The warlike Bishop who entered this protest on the journals of the Lords did not, it may charitably be hoped, realise the blasphemy of which he was guilty. And yet what blasphemy can be so great as to impute to the Deity a desire to perpetuate a system founded on monopoly, corruption, and sectarianism?[3] If the religion of the Bishop be, indeed, dependent on corruption and abuse, if the Deity of the Bishop inflicts his vengeance on those who try to enfranchise the poor, it is time for every honest man to enquire whether the God of the Bishop is the God of the Gospel; and whether the great founder of Christianity, who, on this earth advocated the rights of the needy, ever expressed the opinions which his mitred, titled, and wealthy worshippers have the presumption to ascribe to him.

It passes, with a protest from Phillpotts.

After five years of waiting, however, the Irish had

[1] *Hansard*, vol. lv. pp. 183-191.

[2] Phillpotts, Bishop of Exeter. *Hansard*, vol. lv. p. 1177.

[3] Inglis, who was, if possible, more intolerant than Phillpotts, admitted the monoply, corruption, and sectarianism: 'As regarded the first, it was a question of law; the second had been admitted, and he should waive it; but as to the third he maintained that these bodies had been established for a certain purpose, and that they had only performed the functions which had been assigned to them—the support of the Protestant religion in Ireland.' *Ibid.*, vol. li. p. 647.

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Election committees.

at last succeeded in obtaining from a reformed Parliament the advantage of elective governing bodies in their largest towns. There was one other subject on which legislation could not safely be postponed. Ever since the meeting of Parliament in the autumn of 1837, and the memorable debates on the proceedings of the 'Spottiswoode gang,' and on O'Connell's breach of privilege, attention had been forcibly directed to the unfair nature of election committees, and the special injustice which the Irish registration law inflicted on Irish members. No Government could safely leave the law unremedied. It was hard enough on the Irish that every voter in Ireland should have his vote annually tested by the revising barrister, and that no one should be able to say positively whether the decision of the revising barrister could be reviewed by a Grenville committee of the House of Commons. These conditions became intolerable when English gentlemen were subscribing their guineas to test the seats of Irish representatives, and when every petition had necessarily to be tried by tribunals which O'Connell declared were commonly guilty of foul perjury; and which even Sugden admitted were influenced by a natural and unavoidable bias. Yet the weak Whig Ministry, unable to rely on the support of its followers, and nervously apprehensive of the votes of its opponents, suffered the session of 1838 to close without doing anything. It proved its incapacity to govern by abdicating the plainest functions of government.

Fortunately for the credit of the House of Commons there were three men in Parliament who were not satisfied with the state of the law and with the apathy of the Government. The scandal which had arisen was obviously due to the fact that the appointment of each committee, vested in the House itself, commonly led to a keen party struggle, and that its members, appointed

after a party contest, were insensibly influenced by partisan motives. Every reformer endeavoured, in consequence, to devise some new method for choosing election committees. Charles Buller had proposed to reduce the number on each committee to five, and to authorise the Speaker to appoint three barristers who should act as chairmen, and should form a permanent court of appeal from the revising barristers. In April 1838 Peel brought forward an alternative plan. He proposed that the Speaker should be authorised to appoint a general committee of elections, and that the duty of selecting election committees should be delegated to the general committee. Each election committee was to have the aid of an assessor; but Peel, wishing to avoid the expense of three permanent officers with large salaries, proposed that the assessors should be chosen from time to time when their services were necessary. The scheme was ultimately referred to a select committee, and made no further progress during the session of 1838.[1] At the commencement of 1839 a new reformer submitted a new scheme for the consideration of the House. Lord Mahon, the eldest son of Lord Stanhope, the heir to a great name, was already proving himself a worthy representative of a family which had left its mark on British history. In politics he had displayed industry and ability as Under-Secretary to the Foreign Office in Peel's shortlived Administration; in literature he had already collected much of the information which was making him the capable exponent of seventy years of English history. Soon after the commencement of the session of 1839 Mahon proposed a third plan. Like Peel, he desired the Speaker to appoint a committee of selection; unlike Peel, he delegated to this committee the duty of choosing three assessors. His proposal was rejected by the

Buller, Peel, and Mahon bring forward proposals for improving election committees.

[1] *Hansard*, vol. xlii. pp. 277, 614.

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House; and Peel thereupon reintroduced his own scheme. Buller, who had returned from Canada, endeavoured to engraft upon it the appointment of permanent assessors. The House, in no humour to abdicate its functions, instead of doing so struck out the temporary assessors whom Peel had originally suggested. Thus amended Peel's scheme became law, and the scandal of election ballots was permanently terminated.[1]

Peel's proposal adopted.

Some portion of the scandal connected with the trial of elections had been terminated by Peel's measure. But the Irish could not be satisfied with this result. Every Irish member contended that justice to Ireland required that all parts of the United Kingdom should be placed under the same laws; and it was notorious that the electoral law of Ireland differed from the electoral law of England. In Ireland two assistant barristers, appointed for the purpose, sat four times in each year to revise the list of voters; and a person claiming to vote for the first time was compelled to prove his title. In England the claim to vote, unless it were challenged, was admitted as a matter of course. In Ireland the claim of the voter was disputed as a matter of course. In England the claim of the voter could be objected to at any annual revision. In Ireland a claim once allowed was good for eight years. The Irish law discouraged the enfranchisement of the poorer and more ignorant voters; but it encouraged the manufacture of faggot votes. The claimant was allowed to register his claim in any part of the county. A rich man might, therefore, register his claim at a distance from his home, and weary out the objectors to it by renewing it quarter after quarter until it was allowed. When the claim was once established the voter was entitled to receive a certificate from the clerk of the peace authorising him to

Registration in Ireland.

[1] For Mahon's bill see *Hansard*, vol. xlv. pp. 379, 432. For Peel's, *ibid.*, p. 434; vol. xlvi. p. 576; vol. xlviii. p. 10; and vol. xlix. pp. 72, 915.

vote at any election for the next eight years. During the eight years he could, if he chose, apply for a fresh certificate every half-year; and if he were dishonest he could, at the next election, place these certificates in the hands of different persons and enable them all to vote at the election.

Fictitious votes could thus be easily manufactured in Ireland, and the system or want of system in force was open to grave objections. Bills were accordingly introduced by the Irish law officers to amend it. These bills, however, did not make much progress. The Government, weak, and afraid of its own weakness, took no steps to promote reform; and at last, in 1840, Stanley introduced a measure to deal with the Irish electoral law. He proposed to sweep away the whole system of certificates, to authorise the assistant barristers to revise the registers once in every year; and to permit an appeal from their decisions to a judge on assize.[1] The introduction of the bill led to an attack upon Stanley by O'Connell. Stanley, said O'Connell, 'was the last person in the world who ought to have meddled in the matter.' He had always endeavoured 'to limit and restrict as much as possible the franchise of the people of Ireland. Was the noble lord aware that the Conservative party in Ireland were in the habit of employing both counsel and attorney to oppose the registration of Liberal voters, and that at every registry?' 'Every impediment was thrown in the way of the poor voter;' and now, after he had established his claim before the assistant barrister, Stanley was proposing that he should walk fifty or sixty miles to an assize town to resist the appeal which the Conservatives would lodge against the assistant barrister's decision.[2]

Stanley's Registration Bill.

O'Connell's speech did not interrupt the progress of Stanley's bill. The debate on its second reading com-

[1] *Hansard*, vol. liii. pp. 615-628.

[2] *Ibid.*, vol. iii. p. 634.

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menced on the 25th of March. Its rejection was moved by an Irish member; and ministers sat quietly by without expressing any opinion on its merits. Their position was, in fact, full of embarrassment: they hesitated to oppose a bill which, in many respects, resembled those which had been introduced in previous years by their own law officers; and they could not support it without offending O'Connell. At last, on the second night of the debate, they allowed Morpeth to try to prove that the measure, by introducing an annual revision of the register and by admitting an appeal from the assistant barristers, would disfranchise Ireland.[1] It was not very easy to prove that these innovations would have the effect which Morpeth anticipated. Even in that event, however, the logical deduction from his speech was that Stanley's bill should be amended, not that it should be rejected. The mere amendment of the bill would not, however, have satisfied O'Connell; and Morpeth, in consequence, pledged his colleagues to insure its rejection. Some Liberals, however, declined to admit that a system of registration which was working well in England was not good enough for Ireland. The Ministry, in consequence, experienced the most serious defeat which it had yet encountered, the House of Commons approving the principle of Stanley's measure by a decisive majority.[2]

Ministers resist the bill,

and are defeated.

This division afforded the ministers a reasonable excuse for escaping from their difficulties. They were unable to regulate the shape of business, and precedent and principle therefore justified and necessitated their resignation. Yet ministers did not resign. They still clung to office, although they had lost their power. 'A minister,' to use the striking illustration which Whately had employed five years before, 'used to be a stage coachman, who drove, at a certain fixed hour, and a

[1] *Hansard*, vol. liii. p. 108. [2] By 250 votes to 234. *Ibid.*, vol. liii. p. 157.

settled road, those who chose to go by his coach; now he will be a gentleman's coachman, who drives when and where his master bids him.'[1] The prediction which Whately had thus hazarded of Peel in 1834 had been signally disappointed by Peel's conduct; it had been verified to the letter under Peel's successor. Melbourne still held the reins, but he drove as Peel told him. His feeble Cabinet, indeed, conscious of its own discredit, made an effort to reverse Stanley's victory. It put up a Liberal member to resist the motion for going into committee on the bill; it protracted the resistance over three long nights; it even persuaded its leader to declare that 'of all the motions which went to unsettle and oppose the principle of the Reform Act this is the most formidable.' But it only gave a new victory to Stanley.[2] It subsequently endeavoured to interpose an English Registration Bill for the purpose of delaying Stanley's measure, and experienced a fresh reverse.[3]

During the whole of the contest Stanley had been made the subject of scurrilous abuse. Outside the House O'Connell described him as 'Scorpion' Stanley: his bill as the 'Scorpion' Bill.[4] Such attacks as these had thrown warmth into the discussion. Warmth is too weak a word to apply to the scene when the House at last resolved itself into committee on the bill. The Radicals immediately moved that the House should resume; and were beaten by a large majority. Infuriated by the new defeat, O'Connell declared that the bill was one 'to trample on the rights of the people of Ireland,' and was laughed at, whistled at, bellowed at, by the majority. Maddened by the sounds, he turned on the Tories and declared, 'If you were ten times as beastly in your uproar and bellowing I should still feel it my

The disorderly conduct of the House of Commons.

[1] Whately's Life, vol. i. p. 292.

[2] 301 votes to 298. *Hansard*, vol. liv. p. 454. For Russell's declaration see *ibid.*, p. 202.

[3] 206 votes to 195. *Ibid.*, p. 1073.

[4] *Ann. Reg.*, 1840, Hist., p. 125.

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duty to interpose to prevent this injustice.' Such a scene had not disgraced the old House of Commons even under Abercromby's feeble rule. Such a scene was strange to the new House, which had acquired dignity under its dignified Speaker. But the Chairman proved unable to moderate it. He even failed to induce O'Connell to withdraw his offensive phrase. The Tories had to submit to be described as beastly because in their hatred of O'Connell they had forgotten they were gentlemen.[1]

This incident naturally strengthened the animosities which the bill had already provoked. O'Connell spared no pains to arrest its progress; the Ministers afforded all the assistance in their power to O'Connell; and Stanley, seeing that success was hopeless, and proud of the many victories which he had secured, withdrew the bill for the session of 1840, announcing at the same time his intention of again introducing it early in 1841.[2] His promise was fully redeemed. On the very evening on which Parliament met in 1841 Stanley gave notice of his intention to bring in his bill. On the 2nd of February he obtained leave to do so. The Ministry did not oppose its introduction. They contented themselves with re-stating their objections to the measure, with announcing their intention of introducing a measure of their own to supersede Stanley's, and with intimating that no bill which did not deal with the Irish franchise would be satisfactory to Ireland. In accordance with this pledge Morpeth, two days afterwards, introduced his own bill. Morpeth, like Stanley, proposed an annual revision of the register, the abolition of certificates, and an appeal from the revising barrister. In these respects there was no material difference between

Stanley's and Morpeth's Registration Bills in 1841.

[1] *Hansard*, vol. liv. p. 1092. Charles Buller (p. 1094) described the shouts of the Tories as 'insults the most gross that I have ever seen proceeding from persons in the position of gentlemen.' *Ibid.*, p. 1094.

[2] *Hansard*, vol. lv. p. 458.

Morpeth and Stanley. Stanley's bill, however, gave the appeal to a judge on assize; Morpeth's gave it to three barristers, to be appointed by the Speaker. Stanley's, by purifying the register, would have had the effect of reducing the number of voters; Morpeth's extended the franchise to leaseholders rated at 5*l.* a year.[1] Liberals and Repealers were loudly declaring that Stanley had introduced a measure of restriction. No one could doubt that, under the colour of a Registration Bill, Morpeth had introduced a new Reform Bill for Ireland.[2]

Judged by considerations of expediency the decision of the Government was wise enough. They could not hope to thwart Stanley's measure unless they could replace it with a more popular competitor; and a bill which extended the Irish franchise enabled them to rally their supporters. Having the command, moreover, of much of the time of the House, they could take care that their own measure should always have precedence of Stanley's. They were thus able to reverse the decision of 1840, and after four nights' debate to carry the second reading of their own bill at the end of February by 299 votes to 294.[3] The majority was so small that the Ministry did not venture on persevering with the measure. Instead of allowing Morpeth to proceed with the bill the Cabinet made him postpone it till the 23rd of April. The intervening period, Russell intimated to the House of Commons, would be usefully employed in obtaining more precise and positive information to determine the amount at which the franchise should be fixed.[4]

Morpeth's bill postponed,

Even Melbourne's discredited Ministry had never

[1] The Irish Reform Act had given leaseholders having a beneficial interest in their holdings of not less than 10*l.* a county vote. The qualification had led to endless difficulty, since no one had been able clearly to define what constituted a beneficial interest.

[2] *Hansard*, vol. lvi. pp. 220, 232, 271.

[3] *Ibid.*, p. 1126.

[4] *Ibid.*, p. 1150.

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taken a more discreditable step. Many honest Liberals thought that the Cabinet, if it desired to deal with the Irish franchise, should not have hidden their reform under the cloak of registration. But no honest Liberal could doubt that the Government which resolved on such a proceeding should have taken care to fortify itself with the positive and precise information which Russell was now declaring to be necessary. It was almost impossible to credit the excuse which the leader of the Ministry was urging for delay, or to doubt that, under the pretext of collecting facts, ministers were contemplating a change of principle. O'Connell, seeing the shadow of coming events on the measure, urged the Irish to petition for the bill, the whole bill. Even O'Connell was unable to influence a Ministry which felt itself incapable of commanding a majority. Before the 23rd of April arrived Morpeth announced that the Cabinet had decided to raise the qualification for householders in counties from a 5*l.* rating to an 8*l.* rating. The low sum of 5*l.* had alarmed some timid Liberals; and the Ministry hoped to conciliate them and gain their support by the proposed alteration.[1]

and modified.

Concessions, made by weak ministers, have rarely the effect of conciliating anyone. The change of front which the Government had made deprived its suggestion of all weight. It was plain beyond the possibility of dispute that, if a 5*l.* rating were a fair substitute for the 10*l.* leasehold qualification in February, an 8*l.* rating was an unfair substitute for it in April. The Government could not be said to be solving the problem. It was only guessing at its solution. Its vacillation paved the way for some more resolute politician; and Lord Howick, who two years before had been a member of the Ministry, brought forward a plan of his own. Lord Howick argued that the rate of a man's

Lord Howick's amendment.

[1] *Hansard*, vol. lvii. p. 970.

holding represented its value. The difference between the rate and the reserved rent represented its beneficial interest. Instead, therefore, of a rating value of 8*l.*, he proposed that every occupier, whether leaseholder or not, the value of whose holding, tested by the rate, exceeded his rent by 5*l.*, should be entitled to vote. The proposal was a little complicated: it was, probably, only imperfectly understood. It served, however, as well as any other expedient to embarrass a Government at which everybody was laughing; and a preliminary amendment, on which the new franchise was to be based, was accordingly adopted by 291 votes to 270.[1]

The division afforded ministers a fresh opportunity for retiring from their position. Even at the eleventh hour they would have recovered some little dignity by refusing to go on. The Whig ministers, however, who had long forgotten how to govern, had not learned how to resign. Technically Lord Howick's amendment had decided nothing. It had merely stated that 'no person' claiming to vote should 'be deemed to have a beneficial interest except as hereinafter provided.' The franchise itself had still to be determined, and it was open for the Government to revert to its original proposal. Morpeth easily persuaded the House to prefer the 8*l.* qualification to the 5*l.* which O'Connell preferred.[2] This, however, was the only concession which the House would make. It had filled up the blanks in the clause as the Government desired, but it declined to accept the clause as a whole. By a majority of 300 votes to 289 it struck it out of the bill, and left the measure a useless 'torso,' with which it was impossible to proceed.[3]

The bill lost.

Yet the ministers did not resign. They still clung to the offices in which they had lost their credit, and to

[1] *Hansard*, vol. lvii. pp. 1073-1181.

[2] *Ibid.*, p. 1228.

[3] *Ibid.*, p. 1274.

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the seats on which they had been stripped of power. They had experienced their final defeat on the Registration Bill on the 29th of April. A day afterwards it fell to the lot of Baring to introduce the Budget of the year. The finances of the kingdom had not flourished under the careless administration of Spring Rice: they had not recovered under Baring. For more than two years the revenue of the country had proved insufficient to cover the expenditure. In 1837 the deficit had reached 1,400,000*l.*; in 1838 it had amounted to 400,000*l.*; in 1839 it had been estimated by Spring Rice at 860,000*l.* Unfortunately, as the year rolled on the financial situation became more and more grave. Troubles abroad and at home increased the expenditure. The distress which stimulated Chartism into activity diminished the revenue. In the midst of these grave financial embarrassments cheap postage suddenly superseded high postage rates. The Ministry had resisted the reform; they had anticipated the worst results from the change; and, with a carelessness which was almost criminal, they had made no serious attempt to estimate the loss which the revenue would experience; they had made no attempt whatever to provide for it. Their negligence created a profound sensation among the industrious and orderly classes of the community. The Reform Act had enfranchised the middle classes; and the middle classes are precisely those which are most interested in economical administration, and most opposed to adverse balance-sheets. Herries, expressing the general opinion, asked, on the 13th of February, 1840, for a series of returns intended to show the growth of the income and expenditure of the nation from 1828, and the state of the Consolidated Fund and of the debt during the last four years of the period. Baring conceded the greater part of the returns which Herries desired, but objected, at

Financial embarrassments.

so early a period of the year, to lay upon the table an estimate of the yield of the Consolidated Fund. The House, alarmed at the financial situation, refused to listen to Baring's arguments, and insisted on receiving all the information which Herries demanded.[1] Careless finance, for which Baring was not responsible, had brought on him at the very outset of his career a severe defeat.

The Budget of 1840.

The division was ominous; but the House, busily occupied in prosecuting its quarrel with Denman and Stockdale, had, fortunately for Baring, little leisure to bestow on financial subjects. On the 15th of May, 1840, Baring introduced his first Budget. The revenue of 1840, which Spring Rice had placed at 48,128,000*l.*, had amounted to only 47,843,000*l.*; the expenditure, estimated by Rice at 48,988,000*l.*, had risen to 49,300,000*l.* The deficit, which Rice had computed at 860,000*l.*, had accordingly reached 1,457,009*l.* The expenditure of 1840–41 was placed at 49,432,000*l.*; the revenue, in Baring's judgment, could not be expected to produce more than 47,034,000*l.* Some changes in the Customs duties, in consequence of a treaty with France, reduced the sum to 46,700,000*l.* In other words, the probable requirements of the State exceeded its probable resources by 2,732,000*l.* A deficit of 1,400,000*l.* in 1837; of 400,000*l.* in 1838; of 1,457,000*l.* in 1839; an estimated deficit of 2,732,000*l.* in 1840,—such was the miserable result of the four years' rule of a careless financier.

Baring courageously tried to terminate these discreditable deficiencies. He proposed to raise an additional tax of 4*d.* a gallon on spirits; to increase the Customs and Excise by 5 per cent.,[2] the assessed taxes

[1] *Hansard*, vol. lii. pp. 183, 229.

[2] Instead of the 5 per cent. he proposed an additional duty of 1*s.* 6*d.* a load on timber, or more than 5 per cent. on colonial and less than 5 per cent. on Baltic timber. *Hansard*, vol. liv. p. 955.

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by 10 per cent.; to make 'a new survey,' for the purpose of ascertaining whether persons liable to house tax or window tax escaped paying it; and by all these changes to obtain an additional 2,336,000*l.* The whole of this increase would not, however, be received within the financial year; and Baring did not rely on obtaining more than 1,891,000*l.* in the succeeding twelve months. He, therefore, commenced the year with an avowed deficit of 850,000*l.*, for which he asked the House to give him a vote of credit. He was entitled to plead that he had made an honest attempt to deal with a deficiency which he had inherited from a careless predecessor; and the House showed its sense of his honesty and courage by approving his arrangements.

The Budget of 1840[1] deserves especial study from every financier. It was the last attempt made in England to regulate finance on the old system which had been fashionable for generations. It was the last attempt to make the camel bear a heavier load, by making minute additions to every portion of the burden under which he was staggering. Honest application as it was of the old system of finance, it proved a failure. The expenditure, instead of amounting to the 49,432,000*l.* at which Baring had placed it in the previous May, only reached 49,285,000*l.* But the revenue, which Baring had estimated at 48,591,000*l.*, only produced 47,443,000*l.* To the deficits of 1,400,000*l.* in 1837–38, of 400,000*l.* in

[1] The expenditure was as follows:—

	£
Debt and Consol. Fund	31,877,000
Supply services	17,055,000
Canada	350,000
China war	150,000
Total	£49,432,000

The revenue, as it was ultimately settled, was:—

Customs	22,500,000
Excise	14,241,000
Stamps	7,620,000
Taxes	3,880,000
Post Office	530,000
Crown Lands	170,000
Miscellaneous	250,000
Total	£48,591,000

The 4*d.* on spirits was estimated to produce 484,000*l.*; the 5 per cent. on the Customs and Excise, 1,426,000*l.*; the 10 per cent. on the assessed taxes, 276,000*l.*; and the new survey, 150,000*l.* For the Budget see *Hansard*, vol. liv. p. 121.

The Budget of 1841.

1838–39, of 1,457,000*l.* in 1839–40, was now to be added a new deficiency of 1,842,000*l.* in 1840–41. These figures, however, serious as they were, did not represent the whole truth. While the revenue was continually declining the expenditure of the country was increasing. Baring did not venture on placing the expenditure of the State in 1841–42 at less than 50,731,226*l.*; and to meet this expenditure he hoped for, rather than relied on, a revenue of 48,310,000*l.*[1] The actual deficit of 1840–41 was 1,842,000*l.*; the estimated deficit of 1841–42 was 2,421,000*l.* In 1840 Baring had endeavoured to get rid of a deficit by the old-fashioned expedient of adding something to all the burdens of the taxpayer. In 1841 he decided on taking the wiser course of relieving the taxpayer while he increased the revenue. In 1841 protection was the universal rule of the fiscal system. Commodities were taxed, not for the sake of producing a revenue, but with the avowed object of protecting the home producer or the British colonist. With this view colonial timber was admitted on a duty of 10*s.* a load, while Baltic timber paid 55*s.* With this view colonial sugar was liable to a duty of 24*s.* per cwt., while foreign sugar paid 63*s.* Baring desired to raise the duty on colonial timber to 20*s.* a load, and to reduce the duty on Baltic timber to 50*s.*[2] He wished at the same time

[1] The figures given by Baring in his speech are imperfect. But the principal statistics of the Budget were:—

Expenditure.	£
Debt	29,420,000
Consolidated Fund	2,400,000
Army	6,587,614
Navy	6,805,351
Ordnance	2,075,803
Miscellaneous	2,935,008
Canada	108,000
China	400,000
Total	£50,731,776

Revenue.	£
Customs	22,000,000
Excise	14,000,000
Stamps	7,130,000
Taxes	4,300,000
Post Office	450,000
Crown Lands and Miscellaneous	430,000
Total	£48,310,000

—*Hansard*, vol. lvii. p. 1295.

[2] A select committee had recommended, in 1835, a reduction of the protective duty not exceeding 15*s.* a load. See the report, Parliamentary Papers, 1835; and cf. McCulloch's *Commercial Dictionary, ad verb.* 'Timber.'

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to reduce the duty on foreign sugar to 36*s*. The alteration in the timber duties would, he expected, give him at least 600,000*l*. per year; the alteration of the sugar duties would yield at least 700,000*l*.

These two changes, undoubtedly wise, provided for a large portion of the deficit. But even these changes did not supply the means of covering the entire deficiency. For 700,000*l*. of the residue Baring did not attempt to provide. He regarded it as temporary expenditure for which it was not necessary to make a permanent provision. The remaining 400,000*l*. he dealt with in an unusual way. Russell had risen just before the Budget was proposed to say that he should ask the House, a month afterwards, to resolve itself into a committee to consider the Acts of Parliament relating to the trade in corn. Baring said that the resolutions, which Russell would then propose, would leave him under no uneasiness respecting the 400,000*l*. His statement, of course, suggested the obvious criticism that the Government was only supplying the House with half a Budget; and Russell was forced to admit a week afterwards, before the Budget was formally considered, that he intended to repeal the existing corn law, and to substitute for it a fixed duty of 8*s*. a quarter on wheat.[1] This announcement made the Budget complete, but it did not ward off the attack of the Opposition. Lord Sandon, the eldest son of Lord Harrowby, proposed a resolution condemning the reduction of the duty on foreign sugar. The resolution was admirably calculated to combine the votes of Conservatives and abolitionists. The former objected to the reduction because it pointed to free trade; the latter objected to it because it discouraged free labour by admitting slave-grown sugar into the markets. After a debate which extended over eight nights the Ministry was defeated by 317 votes to 281. Baring's second Budget was rejected by the vote.[2]

The Corn Laws.

The Ministry defeated on the sugar duties.

[1] *Hansard*, vol. lviii. p. 16.

[2] *Ibid.*, p. 667.

Even after this defeat ministers did not resign. They had decided on resorting to the desperate expedient of dissolving Parliament, and they were naturally anxious that their free trade policy should be understood by the country, before they appealed to it. Instead, then, of attending to the defeat which they had experienced, Russell announced that he would bring forward the question of the Corn Laws on the 4th of June.[1] This announcement, however, did not satisfy Peel. Four days afterwards he declared that he would propose a vote of want of confidence in ministers on the 27th of May.[2] Russell was thus in effect raising a cry of measures, not men; while Peel was meeting it with a demand for men, not measures.

The cross-issues which were thus raised to a certain extent affected the debate. It was the object of the Liberals to prove that their financial measures were both necessary and wise. It was the object of the Conservatives to show that, however wise and necessary they might be, they could not be accepted from a discredited Government. Addressing themselves in this way to distinct issues, some of the foremost speakers on both sides of the House had the satisfaction of delivering speeches which were practically unanswered. Macaulay, indeed, was too clear a reasoner to avoid the case of the Opposition leaders, and exerted all his reasoning and all his eloquence to prove that British ministers had constantly accepted defeat without resorting either to resignation or dissolution. Even Macaulay could not prove that a Government which did not command a majority in the Commons, and which was opposed to a formidable majority in the Lords, ought to consent to sacrifice its measures and its credit for the sake of retaining in its own hands the semblance of a departed authority. The House, interpreting the position more accurately

[1] *Hansard*, vol. lviii. p. 676.

[2] *Ibid.*, p. 706.

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than Macaulay, adopted Peel's motion by 312 votes to 311. It had at last declared that it had no faith in the great Whig Ministry.[1]

A vote of want of confidence carried.

It is possible that, if the Whigs had even then resigned, they might have recovered some portion of their popularity. They would have flung upon their opponents the difficulty of dealing with a financial crisis; and, instead of having to meet a succession of critics, they would have busied themselves with the easier task of exposing the weak points of Conservative finance. Melbourne's Ministry, however, fated to complete the ruin of its party, had the folly to appeal from a hostile Parliament to a hostile country. The Cabinet imagined that its tardy conversion to free trade principles would insure its popularity in the country. The country, on the contrary, saw nothing but fresh dishonour in the last act of the Whig Ministry. Even so lately as 1839 Melbourne had declared before God that he considered leaving the whole 'agricultural interest without protection the wildest and maddest scheme that has ever entered into the imagination of man.' He had assured the Lords in 1840 that the responsible advisers of the Crown would not propose any change in the Corn Laws.[2]

Parliament is dissolved.

The warmest advocate of free trade in corn might fairly conclude that cheap bread should not be given to the nation by Melbourne. The last move in the game, therefore, gained the Whigs no advantage. The country, weary of Whig rule, displayed its weariness by preferring everywhere Conservative candidates. Morpeth was beaten in Yorkshire; Howick in Northumberland; O'Connell lost his seat for Dublin; while the Conservatives succeeded in wresting from their opponents two of the four seats in the City, and one of the two seats in Westminster. The new Parliament assembled at the

[1] *Hansard*, vol. lviii. p. 1241.

[2] *Ibid.*, vol. xlvi. p. 610; and vol. lii. p. 1311. Martin's *Prince Consort*, vol. i. p. 108.

end of August at once proceeded to declare its want of confidence in the Ministry. The Government was defeated in the Lords by 168 votes to 96, in the Commons by 360 votes to 269.[1] Parliament had, at last, spoken with a voice to which even Melbourne could not refuse to hearken; and the Whigs at once retired from the offices which they and their friends had held for nearly eleven years.

The Household question compromised.

There was, however, one subject which was occasioning a little anxiety to professed politicians. They could not forget the singular episode which had followed the resignation of Melbourne in 1839. Peel had then insisted on the removal of the Whig ladies from Court: the Queen had declared that their removal would be repugnant to her feelings; and the Whigs, sheltering themselves behind their wives, had returned to office, in the language of one of them, 'stronger than ever.'[2] How was it possible to avoid a similar difficulty in 1841? It was obviously undesirable that Peel should be compelled to sacrifice the principle which he had laid down two years before; and at the same time no right-thinking man could wish that the Queen should be asked to do anything which was repugnant to her feelings.

The Queen's marriage.

If the position of the Queen had remained unchanged the difficulty which had occurred in 1839 might have recurred in 1841. Happily, however, a fortunate alteration in the Queen's position paved the way for an arrangement. In 1839 the Queen, living in solitary grandeur, shrank from parting with the ladies who were familiar to her. In 1841, united in marriage with a Prince of her choice, blessed already with a baby daughter, and expecting another child, whom later generations were to regard as the heir to her throne, she had livelier sources of consolation than the presence

[1] *Hansard*, vol. lix. pp. 106, 449.
[2] Lord Cottenham, *Chancellors*, vol. viii. p. 124.

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of two or three estimable ladies in her household. Prince Albert of Saxe-Cobourg, who became the husband of the Queen in the beginning of 1840,[1] was the second son of Ernest, the reigning Duke of Saxe-Cobourg, and nephew to Leopold of Belgium and to the Duchess of Kent. Carefully trained for the great position which he ultimately held, tall, handsome, honest, capable and discreet, the Prince was qualified to support and assist his wife. His stiff German manners did not commend him to the popularity of the crowd; his German training made him incapable of appreciating English ideas of sovereignty. From the bottom of his heart he desired

[1] The Queen was married to her cousin on the 10th of February, 1840. The marriage was formally announced by the Queen in her Speech from the throne on the 16th of January, 1840: 'Since you were last assembled I have declared my intention of allying myself in marriage with the Prince Albert of Saxe-Cobourg and Gotha.' (*Hansard*, vol. li. p. 1.) The Lords insisted, on Wellington's motion, on inserting the word 'Protestant' before the word 'Prince' in the responsive address. Melbourne first resisted the amendment, but subsequently conceded it. (*Ibid.*, pp. 14, 16, 41. Martin's *Prince Consort*, vol. i. p. 58.) This amendment was not the only matter in which Melbourne's Ministry suffered a check on the Prince's affairs. They inserted a clause in a bill, which professed only to provide for the Prince's naturalisation, giving him precedence next after the Queen. This was objected to, and the Ministry had to give way. (*Ibid.*, p. 63; and *Hansard*, vol. li. p. 1079.) They asked for a grant of 50,000*l.* a year for him; and the House of Commons, after rejecting a motion of Hume's to reduce the grant to 21,000*l.* (*ibid.*, p. 611), agreed, on the motion of Colonel Sibthorp, to limit the amount to 30,000*l.* The reduced grant was carried by a combination of Tories and Radicals, the Ministry being beaten upon it by 262 votes to 158. (*Ibid.*, p. 633.) These various decisions naturally produced a feeling of soreness in the minds both of Queen and Prince. The latter, in writing to the Queen, called the decision of the House of Commons 'the truly most unseemly vote.' (Martin's *Prince Consort*, vol. i. p. 64.) His biographer admits that they caused 'considerable pain and vexation to the Queen.' (*Ibid.*, p. 63.) The feeling which was thus occasioned was partially mitigated towards the end of the session, when Peel consented to support a bill making the Prince Consort Regent during the minority of his child. (For the debates on the bill see *Hansard*, vol. lv. p. 1074; and for Peel's speech see *ibid.*, p. 1076.) Peel's support of the bill was secured on that occasion by the dexterous management of Stockmar. (*Memoirs of Stockmar*, vol. ii. p. 45.) Even, however, after Peel had become minister the Queen still retained, or the minister fancied that she retained, the adverse feelings which she had formed towards the Tories. 'I know for certain,' wrote Stockmar (vol. ii. p. 54), 'that Peel does not yet believe that he possesses the confidence of the Queen to the extent which he wishes and requires. The Prince, on the other hand, he considers as his friend.' All these things require to be remembered in any impartial consideration of the crisis of 1841.

the happiness of the people; but he desired that the people should derive their happiness, not from themselves, but from the Queen.[1] Even these views, however, were corrected by the prudent advice of a wise and honest counsellor. Baron Stockmar had been attached to Leopold's household. He had since played a great though secret part in securing his master's election to the throne of Belgium. He had desired and effected the marriage of Albert of Saxe-Cobourg with the Queen. He had made the workings of the British Constitution his study; he understood its machinery more perfectly than many Englishmen; and he had urged the Prince to become 'the constitutional genius of the Queen.'[2] Acting on his advice, the Prince, early in the summer of 1841, opened a negotiation with Peel. He arranged that, in the event of Melbourne's retirement, three great Whig ladies should resign the situations which they held in the Household of their own accord.[3] Their resignations made it unnecessary for Peel to reassert his principle; the Queen was saved from anything repugnant to her feelings, and a grave constitutional dilemma was in this way quietly averted by the prudent conduct of a young Prince of twenty-two.

Baron Stockmar.

The Prince's management removed the only obstacle to the downfall of the Whig Ministry. For nearly eleven years the Whigs had held the reins of government in their hands. During the first four of them they had been under the presidency of Grey; their counsels during the succeeding seven had been regulated under the lead of Melbourne. Under Grey's guidance the Whig Ministry accomplished the most memorable reforms which are related in British history;

The Whigs resign.

[1] See his letter to the Queen on her accession in Martin's *Prince Consort*, vol. i. p. 25; and cf. his desire to increase the influence of the Crown in *ibid.*, p. 315.

[2] See his admirable letter in *ibid.*, p. 111.

[3] *Stockmar*, vol. ii. p. 50.

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under Melbourne's guidance it accomplished few great reforms which had not been initiated under Grey. The heroic measures which the Whigs promoted under Grey lost them the support of their more timid followers. The constant concessions which emasculated their policy under Melbourne estranged from them earnest Reformers. The history of the Whigs under Grey thus becomes a chronicle of great successes; their history under Melbourne is a story of great compromises. There are few things more exhilarating in history than the annals of the triumph of the Whigs under the one Minister; there are few things more disheartening than the story of their decline and fall under the other. Under Grey the Whigs lost their popularity, but they retained their credit. Under Melbourne they lost their credit without recovering their popularity.

The character of Lord Melbourne.

The distinction which can thus be traced between the policy of the Whigs under Grey and their policy under Melbourne was mainly due to the difference between the characters of the two ministers. Grey was earnest in all that he undertook; office was, in his eyes, only desirable because it enabled him to accomplish the reforms which he believed to be necessary for the country. He would have scorned place without power, and would never have consented to sacrifice principle for expediency. Melbourne, on the contrary, had an easier temperament. He always advocated Liberal measures; in some respects his Liberalism was sounder and truer than Grey's. Unlike Grey, however, Melbourne could never see why an abuse which had been uncorrected for generations should not be permitted to last for another year. If Lyndhurst would only let him strike some monopoly to the dust, so much the better for mankind. If Lyndhurst would not allow him to do so, the measure which was lost to-day could be reproduced to-morrow; and, in the meanwhile, Melbourne,

without much regret for the lost opportunity in the past, without much thought for the coming opportunity in the future, could seek, in the society of his books, his friends, or his Queen, relaxation from all his cares, and perhaps marvel at the freaks of fortune, which had placed him, qualified as he was to shine in almost every station of life, in the solitary position for which nature had disqualified him.

The character of the Prime Minister was reflected in his Administration. He obtained office by the assertion of a great principle. After three years of office the great principle was shunted into a siding. In office he asserted the paramount necessity for another great reform. After five years' labour the new reform was whittled away till it bore no trace of its original shape and proportions. He advocated, in office, the glorious principles of self-government; and he introduced autocracy into Canada, and wished to introduce it into Jamaica. His conduct of the Irish Tithe Bill, his conduct of the Irish Municipal Bill, his West Indian policy, his Canadian policy, exposed him to sharp rebukes from men, not more liberal, but more earnest, than himself. Like Gallio, Melbourne cared for none of those things. During his whole tenure of office he was constantly asserting Liberal maxims and constantly abandoning them. It was said, afterwards, of his successor that a sound Conservative Government implied Tory men and Whig measures. It would have been much more true to have said of Melbourne that his Administration consisted of Whig men and Tory measures.

If the House of Commons had been led by 'honest Jack Althorp' it is possible that the carelessness of the Prime Minister would have proved of no significance. It was Melbourne's misfortune that the Commons were led during his administration by a statesman of enlarged views, great knowledge, and considerable capacity, but

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The character of Russell.

who was not designed by nature to counteract the unfortunate preference of his leader for expediency. Lord John Russell was one of the most remarkable Reformers that have ever lived in this country. The reforms which he advocated were always bold, and usually sound. His great knowledge of the history of England enabled him to adapt, or persuade others that he was adapting, his measures to the rules of the Constitution, and to impart an almost Conservative complexion to Radical measures. Russell, however, rested under two disqualifications, which made him an object of suspicion to advanced Reformers. In the first place, his success had been so great that all the measures which he had commenced his political career by advocating had been carried in their integrity before he was forty-one years of age. He felt the natural disposition of all great conquerors to rest on his laurels. He had led the forlorn hope in 1827; in 1837 he won for himself the nickname of 'Finality Jack.' In the next place, he resembled those generals who are more successful in moving their troops in battle than in sketching out the great principles of a campaign. He was, perhaps, the greatest master of Parliamentary tactics that ever lived; but, in his attention to tactics, he uniformly neglected the strategy of the session. He was constantly winning small victories, and as constantly abandoning important positions. At the close of the campaign he was still at the head of an unbroken army; but his disheartened and almost mutinous soldiers found that they had lost nearly every object for which it was worth contending.

CHAPTER XVI.

THE internal history of a nation has frequently no direct connection with its foreign policy. Domestic politics are watched with anxiety by the people; the management of foreign affairs is usually delegated to their rulers or professed politicians. Monarchs and their advisers are interested in maintaining the fiction that the great masses of the people are incapable of appreciating delicate negotiations with other countries; and the people, intent on their own concerns, often acquiesce in the suggestion, and find themselves, in consequence, occasionally committed to a policy which they disapprove, and to an expenditure which quickens their understanding. On such occasions the people show no hesitation in forming decisive opinions on the nicest matters. Foreign policy engrosses the attention of the nation, and becomes the cause of the making and unmaking of ministries.

Foreign policy.

A great many circumstances interested the British nation in the conduct of its foreign affairs during the whole period of Whig supremacy. The Whigs owed their accession to office in 1830 to a revolutionary wave of thought which was sweeping over the Continent. Europe was throwing off the yoke which had been imposed upon it in 1815. The Allies, in conquering France, had fancied that they had destroyed the Idea which had given France her energy. Ignorant of history, they were unacquainted with the failures of

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greater men than themselves in the same field. The man dies: but the Idea lives. The death of the man frequently gives new life to the Idea. The Revolution of 1789 had been due to the new Idea that governments only exist for the people; and all the bayonets of all the autocrats had been unable to eradicate it. French soldiers at Madrid, Austrian armies at Alessandria and Naples, temporarily prevented its spread. But the Idea was still living in the hearts of prostrate nationalities. While despotism was priding itself on its successes wise men saw the shadow of its coming fall. Autocracy partly depended on the tolerance of the Western Powers; and it lost the assistance of Britain on the death of Castlereagh: it was deprived of the aid of France by the Revolution of July.

The Revolution of July.

The effect of the Revolution of July on other nationalities has already been related in this history. Europe was shaken to the centre, and autocracy staggered under the uprising of the forces which it had hitherto succeeded in suppressing. Poland, Germany, Italy, Belgium, felt the force of the new movement which had originated in France. Russia, Austria, and Prussia, occupied with the task of crushing their own people, had no bayonets to spare to maintain the arrangements of 1815. Unable to resist the march of events, they were obliged to imitate the example of Wellington, and to recognise Louis Philippe. Unable to deny the inability of the House of Orange to subdue the Belgian revolution, they were driven to agree to a Conference in London, at which the future position of Holland and Belgium could be determined. The settlement of 1815 had obviously received an irremediable blow. In one part of Europe nationalities had proved too strong for their rulers: the King of France had been succeeded by the King of the French. The flag of Holland no longer waved over the cities of Belgium.

All Europe was interested in the settlement of the Belgian question. The main reason which had suggested the union of Belgium with Holland was the desire to erect a strong barrier against French ambition. The southern frontier of Belgium had been carefully fortified, at the cost of the Allies, under the supervision of Wellington. A Power which commanded the joint resources of Holland and Belgium, was supposed to be capable of holding these fortresses against France. The potentates who had agreed to the Peace of Paris could not be expected to approve the events which were depriving these fortresses of their utility. The great general whose skill had baffled Napoleon, and who had become Prime Minister of Britain, could not be expected to like an arrangement which was effacing the chief work of his lifetime. It was impossible to resist the summoning of a Conference assembled at the request of the King of Holland; but the sovereigns of the Continent and the Tory Ministry of Britain entered it with the avowed intention of preserving in some shape or other the union of the United Provinces.[1] The Dutch Government, indeed, thinking that nothing but the assistance of a British contingent could preserve the union, applied to Aberdeen for troops. The Tory Cabinet, however, had the wisdom to see that the despatch of a British army to Belgium was not the best means of preserving the peace of Europe. Instead of assenting to the application it hastened the meeting of the London Conference.

The position of Belgium.

Aberdeen refuses to send troops to Belgium.

[1] William IV. was advised to say: 'I lament that the enlightened administration of the King should not have preserved his dominions from revolt.' And again: 'I am endeavouring, in concert with my allies, to devise such means of restoring tranquillity as may be compatible with the welfare and good government of the Netherlands and the future security of other States.' (*Hansard*, vol. i. p. 9.) And Wellington afterwards avowed that, during his Ministry, the business of our representative at the Conference had been to take care of the interests of Holland. *Ibid.*, vol. xv. p. 125.

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The Conference at once concluded an armistice between Holland and Belgium, and thus paved the way for the quiet consideration of the differences which had arisen between them.[1]

So far the negotiations had occasioned little difference of opinion. Before they advanced another stage Wellington was defeated on the civil list; Grey's Ministry succeeded to power; and Palmerston replaced Aberdeen at the Foreign Office. No man was ever gifted by nature with happier qualifications for the post of Foreign Minister. Fond of society, formed to shine in it, his admirable social qualities commended him to the favourable notice of the representatives of foreign courts. His pleasant, cheerful temper, which assured him a hearty welcome in every drawing-room, made some people overlook the higher qualities which fitted him for his office. People refused to believe that the young Irish peer, who was the delight of society, could have time or capacity to spare for the routine duties of his department. The Foreign Office, when he entered it, was agitated by the events of the previous summer. All its traditions were opposed to the impending separation of the United Netherlands. All its suspicions were aroused by the attitude of the Liberal party in France. Many Frenchmen longed to march to the assistance of the burgesses of Brussels, and to seize the opportunity of rectifying the northern frontier of their own territory; and official Englishmen were, of course, determined to prevent the irruption of a single French battalion into Belgium. There was, however, a large party in England which recoiled from the notion of a war with France under Louis Philippe. France had apparently entered on a new path, in which Liberal

Palmerston Foreign Minister.

Excitement in England and France.

[1] The application of the Dutch Government for troops is in *State Papers*, vol. xix. p. 656. Lord Aberdeen's refusal, *ibid.*, p. 659. For the armistice see *ibid.*, vol. xviii. p. 728.

politicians might properly assist her; and, instead of pursuing their ancient rivalry, France and England might join to resist the autocracy of other Powers. These views were shared by Louis Philippe; they were hardly appreciated by the French nation. Fortunately, however, for the cause of peace, the French were flattered at the sympathy which the events of July had excited in England, and were ready to repose unbounded confidence in the sovereign of their choice; and thus, in the epigrammatic language of a French historian, 'L'Angleterre, animée pour la France d'une vive sympathie, y poussait ses ministres; la France bien qu'un peu surprise, y suivait son Roi.'[1]

Sympathy with the French.

The understanding which was thus established between the two countries was happily promoted by the exertions of the distinguished statesman whom Louis Philippe had the wisdom to send as his representative to London. Talleyrand is one of the few persons who have risen to the very highest eminence by their skill in diplomacy. The diplomatic profession seems, indeed, singularly adapted for the production of but third or fourth rate men; and it is hardly possible to name a single member of it who, trained in the service, has attained distinction. Noble by birth, an ecclesiastic by profession, a reformer by conviction, Talleyrand won his reputation by assailing the order from which he had sprung and the profession which he had chosen. He had been identified with the successes of the Revolution; he had held the first place under Napoleon in the Empire; he had advised the restoration of the Bourbons in 1814; he had recommended the elevation of Louis Philippe in 1830. He had thus played a distinguished part in promoting every Government which had controlled the destinies of France for forty years. He had helped to change dynasties more frequently

Talleyrand minister in London.

[1] Guizot's *Mémoires*, vol. ii. p. 261.

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than the King Maker, and he had avoided the fate of Warwick.

Talleyrand had many personal friends in England. His appointment as French Minister at London was received with a chorus of approbation by the English press.[1] On personal grounds it was his interest to maintain the good impression which he had thus made. But he had the sagacity also to see that peace was essential to the Government of July, and that peace could only be secured by intimate relations with England.[2] Irresponsible agitators in his own country were clamouring for the annexation of Belgium. Talleyrand refused to listen to their clamour. He, probably, regarded war as a clumsy contrivance which it was the business of a diplomatist to avoid. The diplomatist who had held his own against Metternich and Castlereagh, backed by the legions of Wellington and Alexander, could hardly shrink from a contest with an inexperienced statesman like Palmerston, the minister of a nation which had just sacrificed the efficiency of the services on the altar of economy.

His efforts to preserve peace.

The first negotiations were easy. Palmerston and Talleyrand both decided on regarding 'the absolute and entire separation of Belgium from Holland . . . an established and . . . . irreversible fact.'[3] The Conference, adopting these views, decided, on the 20th of December, on discussing the arrangements which were necessary to secure the independence of Belgium and the balance of power in Europe.[4] It at once became evident that it was easier to agree on the preliminary principle that Belgium should be separated from Holland than to determine the manner in which the separation should be effected. There were three points which it was necessary to settle. The territory of the United Netherlands

The independence of Belgium accepted by the London Conference.

[1] Guizot's *Mémoires*, vol. ii. p. 89.
[2] *Ibid.*, p. 88.
[3] *State Papers*, vol. xix. p. 784.
[4] *Ibid.* vol. xviii. p. 750.

had to be apportioned to the two countries; the debt which was borne by both had to be divided between them; and some prince had to be chosen for the Belgian throne. The King of Holland secretly hoped that the Belgians would offer the throne to his own son; ambitious Frenchmen, on the contrary, desired the election of a French prince. The arrangement of the territorial limits of the two countries constituted another difficulty. Apparently the Conference had only to revert to the *status quo* in 1790; to give Holland all the provinces which belonged to her in that year, and to cede to Belgium the remainder. This principle, however, could not be applied to the Grand Duchy of Luxemburg. Luxemburg belonged to the King of Holland, but it was no part of Holland. It had been ceded to its king in 1814 in exchange for the hereditary States which he had held in Germany as Grand Duke of Nassau, and it formed a part of the Germanic Confederation.[1] Geographically, however, Luxemburg had no connection with Holland. Race, language, and interest made its inhabitants gravitate towards Belgium. A great part of the Duchy was in the occupation of Belgian troops; and it was at once evident that, while Holland was unlikely to assent to the cession of the Duchy, the Belgians would oppose its continued connection with the Dutch.

The position of Luxemburg.

Palmerston thought that Luxemburg should be united with Belgium, and that, if Holland were willing to cede it, the Belgians might consent to place the Prince of Orange on the throne. Talleyrand, on the contrary, objected to the union of Luxemburg with Belgium. Luxemburg had been a prize which Frenchmen had coveted for centuries. The possession of Luxemburg strengthened the French frontier; its appropriation to another country deranged the boundary of France. Holland and Belgium were quarrelling over the province. Could not their quarrel be determined by hand-

[1] *State Papers*, vol. xix. p. 784.

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ing it over to Louis Philippe? If this were impossible, could not the French frontier be rectified by the cession of the adjacent towns of Philippeville and Marienburg?[1] Horace never yearned more longingly to round off his farm than Talleyrand desired to improve the northern boundaries of his own country. These rival views resulted in a compromise. The Conference decided that Holland should retain the territories which she possessed in 1790; that Belgium should receive the remainder; that Luxemburg, 'possédé à un titre différent par les Princes de la Maison de Nassau,' should remain part of the Germanic Confederation. These and other stipulations, embodied in eighteen articles, received the assent of all the members of the Conference on the 20th and 27th of January, 1831.[2] Three weeks afterwards (on the 18th of February) the Dutch Plenipotentiaries formally assented to the decision of the Conference.[3]

The Conference agrees to the eighteen articles.

The adhesion of the Dutch Government to the terms of separation did not, however, materially advance the labours of the Conference. The Belgians refused to accept the conditions which the Conference had adopted, and proceeded to carry out their own views of independence by electing a sovereign. In such a choice it was obviously their interest to conciliate France. The majority of the National Congress were consequently in favour of placing on the throne of Belgium a prince who would be agreeable to the French people. Among the many candidates for the vacant crown was the Duc de Leuchtenburg, the son of Eugène Beauharnois, and the near relative of Napoleon. The choice of the Duc, however pleasing to the French nation, was, of course, distasteful to the French Court. Louis Philippe did not hesitate to declare that the selection 'would be the most disagreeable to France, and the

Belgium refuses the decision.

[1] See *Palmerston*, vol. ii. pp. 27, 30.
[2] *State Papers*, vol. xviii. pp. 759–768. [3] *Ibid.*, p. 779.

least favourable to the tranquillity and independence of the Belgians; and the Plenipotentiaries of the five Powers in London formally agreed that the Duc should not be recognised by any of the States which they represented.[1] It became necessary for Belgium to give up the candidate who was supposed to be agreeable to the French people: it was still possible for her to select a candidate agreeable to the French Court. A large party in the Belgian Congress was anxious to choose the Duc de Nemours, the second son of Louis Philippe; and Talleyrand consulted Palmerston upon the consequences of the Prince's selection. Palmerston at once replied that the election of the Duc would be regarded by the British Government as equivalent to a union between Belgium and France, and prevailed on the Conference to agree to a protocol pledging all the five Great Powers to reject as sovereign of Belgium any member of the ruling families of any one of them.[2] Before the decision of the Conference was known in Brussels the National Congress had formally elected Nemours. The French Government, dazzled by the offer, was for four-and-twenty hours inclined to brave the consequences of accepting it. Its resolution was shaken on learning that the British Cabinet had decided on making Nemours' acceptance of the throne a ground of war.[3] Louis Philippe was not prepared to risk the consequences of a war with Britain for the sake of securing the doubtful advantage of an unsteady throne for his second son, and with many smooth phrases refused the offer.[4]

The throne of Belgium offered to the Duc de Nemours,

and refused.

Louis Philippe, however, could hardly fail to be gratified at the evident desire which the Belgians had manifested to please his people and himself. The

[1] *State Papers*, vol. xviii. p. 775.
[2] *Palmerston*, vol. ii. p. 35. *State Papers*, vol. xviii. p. 774. Talleyrand took the protocol *ad referendum*.
[3] *Palmerston*, vol. ii. p. 38, note.
[4] The terms of the offer and of the refusal will be found in Guizot's *Mémoires*, vol. ii. p. 424.

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French people loudly declared that Belgium had been sacrificed; and the French Government, impressed by the feeling excited in France, thought of placing a nephew of Louis Philippe's, a Neapolitan prince, on the throne of Belgium, and marrying him to the daughter of the King of the French. In the meanwhile it threw upon Talleyrand the blame of assenting to the decisions of the London Conference; it formally declared that the protocols to which the Conference had agreed were too vague to justify their adoption; it urged their modification by the cession of a portion of Luxemburg to Belgium; it proposed a redistribution of the debt of the United Netherlands;[1] and it backed up its representations by making almost open arrangements for war.[2] The good understanding established between France and England was thus dissolved. The relations between the British and French Governments became strained; and war between France and Britain, with all its miserable consequences to these Powers and the world, became every day a more probable contingency.

Irritation in France.

Crisis in the French Ministry.

War was, in the first instance, averted by the moderation of Talleyrand. His great reputation enabled him to maintain a pacific policy almost in opposition to his instructions.[3] Talleyrand, however, could not have long continued to resist the decisions of the violent party in the French Government if a crisis had not occurred in the fortunes of the French Ministry. Louis Philippe, on his first accession to the throne, had endeavoured to combine the representatives of almost every school of political thought in one Cabinet. But the experiment soon failed. One party in the Cabinet endeavoured to terminate the anarchical ideas which had been the inevitable result of the Revolution of July; another party was in favour of conciliating the mob, which was loudly

[1] See Sebastiani's despatch, *State Papers*, vol. xviii. p. 786.

[2] *Palmerston*, vol. ii. p. 41.

[3] *Ibid.*, p. 46.

demanding extreme measures at home and the support of revolution abroad. The divisions which thus distracted the Ministry became much more apparent at the trial of Polignac and his colleagues for the conduct which had produced the Revolution of July. The populace, furious with the Ministers who had signed the *Ordonnances*, clamoured for their blood; and the moderate members of the Cabinet conceived that their colleagues would be better able to resist the clamour if they themselves retired from the Council chamber. The Duc de Broglie accordingly resigned the presidency of the Council, and was replaced by Monsieur Laffitte; Marshal Maison retired from the Foreign Office, and was replaced by General Sebastiani; and Monsieur Guizot resigned the Ministry of the Interior, and was succeeded by Monsieur Montalivet. The Laffitte Administration succeeded in saving the lives of Polignac and his colleagues. It failed in moderating the passions of the populace. Tumults broke out in Paris: they attained lamentable proportions in February 1831. The populace interrupted a service held to commemorate the murder of the Duc de Berri, sacked the church of Saint Germain l'Auxerrois, pillaged the archiepiscopal palace of Paris, and attacked religious edifices in other towns. Shocked by these excesses, and alarmed at the weakness of the Ministry which tolerated them, the party of order rallied to the support of good government. The Laffitte Administration resigned; and, on the 13th of March, 1831, Casimir Périer became Prime Minister of France.[1]

The Laffitte Administration.

Casimir Périer succeeds Laffitte.

Casimir Périer was resolved on repressing disorder at home; he was determined to maintain peace abroad. Order had been violently interrupted under the weak and vacillating rule of his predecessor. Peace had been rudely threatened by the interference of the Foreign Office with Talleyrand. Sebastiani retained under Périer

[1] For these events see Guizot's *Mémoires*, vol. ii. pp. 136–179.

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the post of Foreign Minister which he had held under Laffitte. But the policy of the Foreign Office at once underwent a radical change. Under Laffitte the French Government had formally objected to the arrangements which had been made by the Conference in January; under Périer, Talleyrand was at once instructed to give in his adhesion to them.

He adheres to the London Conference.

A change in the composition of the French Ministry had terminated the prospects of war between France and England. The five Powers decided that the articles on which they had already agreed, and which related to the territorial divisions, should be deemed irrevocable; and that Belgium should be informed that she would be recognised by none of the five Powers except on these conditions.[1] The representatives of the five Powers resolved on despatching this ultimatum on the 17th of April:[2] they gave the Belgians till the 1st of June to deliberate upon it. If the *bases de séparation*, as the articles were called, were not accepted by that day, the five Powers would suspend all relations with the temporary Government of Belgium.[3]

The ultimatum to Belgium.

The decision had scarcely been pronounced before an effort was made to modify it. Lord Ponsonby, the brother-in-law of Grey, had been appointed British Chargé d'Affaires at Brussels. Coming over to London in May, he told the Conference that the chances of an agreement would be improved if Belgium were allowed to obtain even *à titre onéreux* possession of the Grand Duchy of Luxemburg. Ponsonby was ordered to return to Brussels and assure the Belgian Government that the

[1] The adherence of France will be found in *State Papers*, vol. xviii. p. 793. It was directly due to Périer's good offices. *Palmerston*, vol. ii. p. 66. Périer, in the first instance, however, sounded Lord Granville, the British Minister at Paris, upon the possibility of obtaining Boullion for France; but he does not seem to have urged the point pertinaciously. *Palmerston*, vol. ii. p. 60. Sebastiani urged the union still more forcibly afterwards, but received no encouragement from Talleyrand. *Ibid.*, p. 61.

[2] *State Papers*, vol. xviii. p. 795.

[3] *Ibid.*, p. 797.

five Powers would open a negotiation with the King of Holland, 'in order to secure if possible to Belgium, for a just compensation, the possession of the Grand Duchy of Luxemburg, preserving always its relations to the Germanic Confederation.'[1] Ponsonby, anxious to promote the success of his negotiation, exceeded his instructions, and assured the Belgians that, if they would only assent to the *bases de séparation*, the Conference would assist them by its powerful mediation to obtain 'the Duchy of Luxemburg by a treaty and for an equitable indemnity.'[2] Ponsonby's letter, published in all the newspapers, elicited a warm remonstrance from the Dutch Government; and Ponsonby was recalled.[3] The 1st of June having passed, and Belgium having failed to accept the *bases de séparation*, diplomatic relations with Brussels were formally suspended.

Yet the suspension of diplomatic relations did not interfere with the cause of Belgium. The wiser Belgians were gradually concluding that the independence of their country could not be effected without the assistance of a recognised sovereign. They had, indeed, already appointed a distinguished countryman of their own Regent;[4] but the Regent, exercising only a temporary and provisional authority, was unable to speak to foreign Powers with the weight and authority attaching to the representative of a duly recognised sovereign. A king, therefore, was necessary for Belgium; and, as Leuchtenberg was impossible, Nemours unavailable, and all the members of all the reigning families in Austria, France, Britain, Prussia, and Russia forbidden, the choice of the Belgian nation was obviously narrowed. There was, however, one prince whose qualifications for the post could hardly be ignored. Leopold of Saxe-

Leopold of Saxe-Cobourg.

[1] *State Papers*, vol. xviii. p. 798.

[2] *Ibid.*, vol. xix. p. 862; and cf. *ibid.*, p. 808.

[3] *Ibid.*, vol. xviii. p. 800. The brothers-in-law of Prime Ministers do not suffer from diplomatic changes. Ponsonby was at once appointed Minister at Naples.

[4] For the decree appointing a Regent see *ibid.*, p. 1297.

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Cobourg, the widowed husband of Charlotte of England, had been offered and had accepted the Greek throne in the preceding year. After his acceptance of it, however, he had the wisdom to perceive that the narrow limits in which Aberdeen was bent on confining the new kingdom would make the sovereignty of it distasteful to any man of honour. He struggled hard to obtain more generous terms for his would-be subjects. Aberdeen refused, and hardly took the trouble to couch his refusal in terms of common courtesy.[1] Leopold, finding it impossible to obtain generous terms for the Greeks, declined the crown.[2] His refusal left him free for the new kingdom which was anxiously searching for a sovereign.

Chosen King of the Belgians.

Leopold's refusal of the Greek crown gained for him nothing but abuse from contemporary statesmen. They could not understand a prince who had once resolved to occupy a throne receding from his purpose. They thought him guilty of a breach of faith, of irresolution, of cowardice, and they declared that a man of so weak a character was 'totally unfit to play a bold part in life.'[3] Leopold, however, had gained one great advantage from the negotiation: he saw clearly that his embarrassments had arisen from his unconditional acceptance of the throne, and that his attempts at negotiation ought to have preceded instead of following his promise to rule. The experience which he had thus gained in 1830 stood him in good stead in 1831. Chosen by the Belgians for the vacant throne, and approved by the representatives of the five Powers, he steadily refused to accept the crown till the matters in dispute between the Conference and the provisional Government at Brussels were definitely arranged.[4]

Forces the Plenipotentiaries to reconsider the ultimatum.

Leopold's decision brought matters to an issue. The

[1] 'The Powers have no intention whatever of negotiating with your Royal Highness. They expect a simple acceptance of their proposal, and would consider a conditional acceptance as a virtual refusal.'—*Stockmar*, vol. i. p. 97.

[2] *Ibid.*, p. 108.

[3] *Ibid.*, pp. 110, 113.

[4] *Palmerston*, vol. ii. p. 77. *Stockmar*, vol. i. p. 153.

best chance of settling the Belgian question lay in his acceptance of the throne; and, as Leopold declined to accept the throne till the Conference had made terms with the Belgians, and as Belgium refused to accept the eighteen articles, the Conference was compelled to reconsider its conditions. Throughout the month of June an informal negotiation was conducted for their modification. This negotiation resulted in the most important consequences. The five Powers decided on substituting new terms for the eighteen articles which they had drawn up in January.[1] In January they had determined that Luxemburg, 'possédé à un titre différent par les Princes de la Maison de Nassau,' should continue to form part of the Germanic Confederation. In June, they pledged themselves to use their best endeavours to maintain the *status quo* in Luxemburg during the progress of the negotiations which the sovereign of Belgium would open, on the subject of the Duchy, with the King of the Netherlands and the Germanic Confederation. In January they had determined that Belgium should bear rather more than one-half of the debt of the United Netherlands; in June they simply contented themselves by assigning to each country the share of the debt which belonged to it before the union, and by declaring that the debt contracted since 1814 should be divided in a just proportion between them. In addition to these concessions, the Conference decided that 'an amicable arrangement should be concluded respecting Maestricht, a town which intercepted the direct traffic between Antwerp

The eighteen articles are modified.

[1] For the new articles see *State Papers*, vol. xviii. p. 803. A translation, which is in reality rather a summary than a translation, is in *Ann. Reg.*, 1831, Chron., p. 383. The *Ann. Reg.*, edited by a Tory, declared (*Ibid.*, Hist. p. 399) that the Conference withdrew its declaration that Luxemburg belonged to Holland. Alison repeats the statement (vol. iv. p. 568). The Conference, however, had never said anything of the kind. It had expressly stated, from the first, that Luxemburg did not belong to Holland, but that it was a part of the Germanic Confederation.

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and the Rhine, and which had been assigned in the original articles to Holland. These resolutions, again embodied in eighteen articles, were adopted by the Conference on the 26th of June. On the same day Leopold declared his readiness to accept the throne, provided that the Parliament of Belgium accepted the articles.

Leopold accepts the throne.

The Belgian Parliament, after a keen debate, accepted the articles on the 9th of July;[1] and, on the 16th of July, Leopold left London for the new throne which was thus offered to him.

The reasons which made the amended articles palatable to Belgium rendered them distasteful to Holland. The five Powers prudently sent them to the Hague by the Baron de Wessenberg, one of the Austrian Plenipotentiaries, who was thought to be peculiarly capable of conciliating the Dutch Court. Probably no messenger would have been able to soothe the angry feelings which prevailed there. Wessenberg was not able to obtain consideration for the articles which he brought with him. On the 12th of July the Dutch Ministry formally rejected them, winding up the long despatch in which their rejection was notified to the Conference by intimating that Leopold, in accepting the sovereignty of Belgium without conforming to the conditions to which Holland had agreed in January, had made himself the enemy of Holland.[2] The Dutch Government, indeed, professed its readiness to continue the negotiations, which had been already protracted over so many months; but it decided on assisting the task of the Plenipotentiaries in London by military measures[3] in the Low Countries. The general commanding the Dutch garrison at Antwerp was accordingly instructed to notify the termination of the armistice on the 4th of August; and 50,000 Dutch

The Dutch Court rejects the modified articles,

and declares war.

[1] *State Papers*, vol. xviii. pp. 806, 807.
[2] *Ibid.*, p. 816. [3] *Ibid.*, p. 819.

troops, under the command of the Prince of Orange, were marched towards the Belgian frontier.[1]

Leopold's Government was in no condition to resist the armed attack which was on the point of being made upon it. Belgium lay open to the invasion with which she was immediately threatened, and possessed no force with which she could bar the way to her capital. The Tory party in Britain, clinging to the cause of autocracy, saw a ready solution for the Belgian difficulty in the defenceless condition of the Belgian territory. The five Powers, they thought, should have drawn a military cordon round the Netherlands, and have allowed the nations, like combatants in the prize-ring, to fight out their own quarrel.[2] Fortunately, however, for humanity there was one reason which made it impossible to adopt the counsel of the Tories. Leopold cried out for help.[3] Louis Philippe, without waiting for the co-operation of his allies, at once despatched Marshal Gérard and a French army to Belgium. On the 10th of August Gérard crossed the frontier. He was not a moment too soon. The levies which Leopold had hastily collected had already retired in disorder before the Dutch troops. On the 12th Leopold himself was forced to fall back upon Louvain. The Dutch troops, animated by their success, were pursuing their march; and a conflict between the French army on the one side and the Dutch army on the other seemed inevitable. Happily Sir Robert Adair, who had just been despatched as ambassador to Brussels, hurried to the Prince of Orange and prevailed upon him to agree to a suspension of arms. Adair's timely interference averted a conflict which might probably have led to a European war.[4]

The French enter Belgium.

Sir R. Adair obtains an armistice.

[1] *Stockmar*, vol. i. p. 173.

[2] See the opinion deliberately stated in *Alison*, vol. iv. p. 563.

[3] The expression is in *Stockmar*, vol. iv. p. 175.

[4] Sir Robert Adair was the son of George the Third's Staff surgeon. His mother was Lady Caroline Keppel. He was so keen a Whig that (according to Lord Albemarle) 'at

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French troops and Adair's address had, for the moment, saved the infant kingdom; but the presence of Marshal Gérard's army in Belgium added a new anxiety to the representatives of the Powers in London. The hasty action of the King of Holland had precipitated the crisis which they had endeavoured to avert; and Belgium, held by a French army, owed its safety and existence to France. The French Government, indeed, declared that its troops had marched to carry out the decisions of the Conference, and that the period of their sojourn in Belgium would be determined in concordance with the five Powers. These assurances only partially satisfied the representatives of the other Courts. History had repeatedly proved that it was not always easy to fulfil a pledge of this character. The popularity which Gérard's expedition had won for Casimir Périer's Ministry obviously increased the difficulty of the French Government in withdrawing from Belgium.[1] It was evident that the hasty withdrawal of the French army might precipitate a crisis both at Paris and at Brussels. In the one town Leopold could not stand alone; in the other Périer would lose all his popularity by withdrawing from his position.[2]

These reasons, however, plausible as they were, could not have much weight with the British Government. Tradition and policy were both opposed to the

six years old, in the Wilkes and Liberty riots, he broke his father's windows because he was a placeman.' His interference in 1831 was not effected without personal danger. He 'was shot at'—so he wrote to Mr. Coke—'like a Holkham rabbit.' *Albemarle*, vol. i. pp. 226, 235. Cf. *Stockmar*, vol. i. p. 175.

[1] Casimir Périer's Ministry had been saved by the march of Marshal Gérard. His candidate for the presidency of the new Chamber of Deputies had only obtained a narrow majority of four votes over Laffitte, the Opposition candidate. Périer considered the majority too narrow to enable him to conduct the Government, and resigned office. King, Chambers, and Council all begged him to reconsider his decision. He refused. Immediately after his refusal news reached Paris of the invasion of Belgium by the Dutch troops. Recognising the importance of the crisis, and the necessity for meeting it, Périer resumed office, and ordered Gérard to enter Belgium. See *Guizot*, vol. ii. p. 194.

[2] *Palmerston*, vol. ii. p. 100.

presence of a French force in Belgium; and no minister, to whatever party he had belonged, could have ventured to assent to it. Tory members were impatiently enquiring in the House of Commons when the French occupation would cease; and Palmerston, almost as impatient as the Tories, was begging for a categorical reply from the French Government. War, so he plainly intimated to the British minister at Paris, would be the almost immediate consequence of any delay in evacuating the country;[1] and, as the French Ministry was unprepared to risk the consequences of a general war, Palmerston's importunity was successful. On the 18th of August the French consented to withdraw 20,000 men from Belgium. The remainder of their forces, they stated, would be withdrawn on the complete evacuation of the country by the Dutch troops.[2] In assenting to this arrangement, however, Sebastiani plainly hinted that the French did not intend to loosen their hold upon Belgium until the Conference had decided the future of the frontier fortresses.[3]

The French withdraw from Belgium.

Sebastiani's suggestion renewed the probability of a general war. The British Government was perfectly willing to consider the propriety of dismantling some of these fortresses; but it was unwilling to do so as the price of getting the French troops out of Belgium. The French troops were ostensibly carrying out the decrees of the London Conference; and they could not be allowed to remain in Belgium, when the object of their mission was fulfilled, in order that their presence might force the allies into making concessions to France. On the other hand, the British Government was faintly supported by the other Powers in demanding their withdrawal. Leopold himself thought their continued presence necessary. The whole burden of the fight fell

[1] *Palmerston*, vol. ii. pp. 105, 107. [2] *State Papers*, vol. xviii. p. 830.
[3] *Palmerston*, vol. ii. p. 14.

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on the British minister, but his firm and decided language gradually prevailed. By the end of August he succeeded in negotiating a six weeks' armistice between Holland and Belgium.[1] The conclusion of the armistice obviously weakened the grounds on which the continued presence of the French in Belgium had hitherto been justified; and, on the 15th of September, Talleyrand told the Conference that his Government had determined of its own free will to withdraw the last French soldier from Belgian soil.[2]

Fresh negotiations.

A double victory had thus been secured. Belgium was free from foreign soldiery; and a six weeks' interval had been gained for further negotiation. The Belgians thought that a direct negotiation with Holland would have a better chance of success than all the protocols of all the allies. With this view they gave Van de Weyer full powers to treat with Holland.[3] The first result of his appointment was a declaration from the Dutch Government that it could only treat under the mediation of the five Courts.[4] Van de Weyer, however, undeterred by this rebuff, sent the Conference the draft of a proposed treaty drawn by the Belgian Government. The Conference at the same time received a formal statement of the principle on which the Dutch Government was ready to treat.[5] It was obvious from these papers that the two parties were as far off from a common understanding as ever; and that the only chance of peace depended on an agreement among the five Powers.[6] The Conference accordingly, rejecting both the articles of January, and the terms which they had substituted for them in June, determined to draw up a new series of conditions, which might serve as the basis of a treaty between the two nations.[7]

[1] *State Papers*, vol. xviii. pp. 830, 833, 835.
[2] *Ibid.*, p. 846; and cf. *Palmerston*, vol. ii. p. 120.
[3] *State Papers*, vol. xviii. p. 832.
[4] *Ibid.*, p. 849.
[5] *Ibid.*, pp. 857–860.
[6] *Palmerston*, vol. ii. p. 121; and cf. *Stockmar*, vol. i. p. 196.
[7] *State Papers*, vol. xviii. p. 860.

The twenty-four articles.

The new conditions, to which the Conference agreed on the 14th of October, and which were embodied in twenty-four articles, differed both from the original terms of January and the amended proposals of June. In January the Plenipotentiaries had left Luxemburg with the King of Holland, as a part of the Germanic Confederation; in June they had contemplated a negotiation, between the Courts of Brussels and of the Hague, on the future of the duchy; in October they gave the Walloon, or western, part of the Duchy to Belgium, assigning to Holland in exchange for it, as 'une indemnité territoriale,' the eastern portion of Limburg. In January the Plenipotentiaries had proposed that Belgium should bear rather more than one-half of the debt of the United Provinces; in June they had decided that each country should bear its own debt before the union, and that the liabilities contracted afterwards should be equally divided between them; in October they translated this decision into words assigning to Belgium 8,400,000 of the 27,700,000 florins which formed the annual charge of the debt. In addition to these conditions the Conference secured to Belgium a right of way through the town of Maestricht and the free navigation of the Scheldt, and of all the waters which placed the Scheldt in communication with the Rhine.[1] They decided that these conditions should be embodied, without the alteration of a word, in a treaty between the two countries; and that the five Powers should enforce their acceptance on either of the two which chose to reject them.[2]

[1] This article is usually translated wrongly. *Stockmar* (vol. i. p. 200) says that Belgium was given 'freedom of navigation on the Scheldt, and on the waters between the Scheldt and Rhine;' *i.e.*, on all the Dutch waters south of the Rhine. But the words of the article are much more limited: 'Il est également convenu que la navigation des eaux intermédiaires entre l'Escaut et le Rhin, *pour arriver d'Anvers au Rhin, et vice versâ*, restera réciproquement libre.' *State Papers*, vol. xviii. p. 896.

[2] *Ibid.*, p. 902. The articles will be found in *ibid.*, p. 894. Cf. *Stockmar*, vol. i. p. 199; and *Palmerston*, vol. ii. p. 132, and note.

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Neither of the two countries regarded the new conditions with much favour. The Belgians thought themselves hardly used in being compelled to give up a part of Limburg; the Court of Holland thought itself hardly used in being compelled to give up anything. In Holland, the public, weary of the struggle, were disposed to accept the articles,[1] while the Court was opposed to them. In Belgium, on the contrary, the people disliked the terms, while Leopold saw the wisdom of accepting them.[2] In both countries the view of the Court ultimately prevailed. Holland criticised the articles, and abstained from accepting them. The Belgian Parliament, debating them with closed doors, adopted Leopold's advice, and agreed to them.[3] As the Dutch Court refused to pledge itself to refrain from hostilities, the Conference invited the British Government to send a fleet immediately to Holland, and to stop any attempt to recommence the war.[4]

Holland rejects and Belgium accepts the articles.

The treaty of the 15th November.

The articles had been signed on the 14th of October. On the 15th of November they were embodied in a formal treaty. But the treaty added two stipulations which were not in the original articles. In the first place, the five Courts guaranteed the execution of all the provisions of the treaty; in the second place, they declared peace between Belgium and themselves. Conditions of such importance could only be framed by Plenipotentiaries on the understanding that the Governments which they represented should be free either to confirm or to disallow them. It was stipulated, therefore, that the treaty of the 15th of November, 1831, should be ratified within two months or before the 15th of January, 1832.[5]

[1] See Sir C. Bagot's despatches, vol. xix. pp. 830, 832.

[2] *Stockmar*, vol. i. p. 200; and cf. *Ann. Reg.*, 1831, Hist., p. 414.

[3] *Ibid.*, p. 414; and *Stockmar*, vol. i. p. 208.

[4] *State Papers*, vol. xviii. p. 904.

[5] For the treaty see *State Papers*, vol. xviii. p. 645.

No one could doubt the policy of two of the five Powers. The British Ministry and the French Government were equally determined to enforce the decisions of the Conference, and to consolidate the new kingdom which they had been instrumental in forming. But the three autocratic monarchies of Eastern Europe had less interest in Leopold and the Belgians, and were indisposed to undo the work which they had accomplished in 1815. The very close relationship,[1] moreover, which William of Holland enjoyed both with the King of Prussia and the Emperor of Russia necessarily affected the policy of the Northern Courts. The intermarriages of three generations had bound Berlin and the Hague indissolubly together; and the Dutch Court, therefore, naturally appealed to Berlin. A special envoy was sent from the Hague to entreat the King of Prussia not to ratify the treaty of November. Moved by the appeals of his brother-in-law, Frederick William declared that he would delay his ratification as long as possible. That delay would afford the Dutch Government time to come to terms with the Conference.[2]

The Dutch appeal to Prussia.

William of Orange had only gained a partial success in Berlin. He turned from Berlin to St. Petersburg. His brother-in-law at Berlin had promised him to delay his ratification as long as possible. His son's brother-in-law at St. Petersburg promised that he would not ratify at present. Russia, however, agreed with Prussia that Holland must come to terms with the Conference. Prussia was not willing, Russia was not able, to lend Holland any material assistance.[3] Holland, therefore, could gain nothing by failing to make terms. The

[1] William I. of Holland was by birth a cousin, by marriage a brother-in-law, of the King of Prussia. His second son and one of his daughters were married to children of the King of Prussia. His eldest son, William of Orange, the discarded suitor of Charlotte of England, was married to a sister of the Emperor of Russia. See *Stockmar*, vol. i. p. 236; and cf. p. 30.

[2] *Ibid.*, p. 240.

[3] *Ibid.*, p. 242.

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wisdom of this advice was soon apparent. On the 11th of January, 1832, the Conference unanimously decided to extend the period for the ratification of the treaty to the end of the month.[1] On the 31st of January, the Plenipotentiaries of France and Britain formally ratified it.[2] At the request of the other Plenipotentiaries, however, the protocol was left open, in order that they might have the opportunity on some future occasion of following the example of Britain and France. Conscious of their own inability to prevent the march of events, the Eastern Powers continued to urge Holland to make terms with the Conference. Russia despatched Count Orloff on a special mission to the Hague with this object. The mission proved as fruitless as all the previous attempts to induce Holland to yield.[3] The King obstinately adhered to the points on which he had from the first insisted, and refused to give way. Orloff, in obedience to his instructions, threw on the Dutch Government all the consequences of this refusal, and left the Hague. On learning Orloff's failure Austria and Prussia instructed their Plenipotenitaries to ratify the treaty; and finally, on the 4th of May, the Russian Plenipotentiary ratified it.[4]

The treaty ratified by the Western Powers.

It is ratified by the Northern Powers conditionally.

The three Eastern Powers had ratified the treaty; but they had attached conditions to their acts of ratification. Austria and Prussia had reserved the rights of the Germanic Confederation; Russia had excepted from her ratification the articles which related to the navigation of the Dutch rivers, and had declared that the definitive arrangement between Belgium and Holland ought, in the Emperor's opinion, to be freely concluded by the two parties.[5] This stipulation almost annihilated the

[1] *State Papers*, vol. xix. p. 91.
[2] *Ibid.*, p. 92.
[3] *Stockmar*, vol. i. p. 243. Cf. *State Papers*, vol. xix. p. 853.
[4] *Ibid.*, pp. 95, 98.
[5] See *Stockmar*, vol. i. p. 252. The text of the ratifications will be found in *State Papers*, vol. xix. p. 1412.

treaty of November. The article of the treaty which related to the navigation of the Scheldt was the very one which the Plenipotentiaries had intended to come into immediate operation. A stipulation that the arrangements between the two countries should be the result of free negotiation destroyed the guarantee which the treaty contained for the execution of all its articles. The Belgians were, in consequence, annoyed with Van de Weyer, their Plenipotentiary, for accepting the Russian ratification at all. Many of them clamoured for his recall. They failed to appreciate the moral advantage which the ratification by Russia had obtained for their country.

The solution of the Belgian question endangered by a Ministerial crisis in Britain.

Yet this advantage was immediately apparent. Three days after the Russian ratification the Grey Ministry, defeated on the Reform Bill, resigned; and Wellington was instructed to form a Government. For a whole week it seemed probable that the Tories would be restored to office. It was almost impossible to predict the consequences of their return to power. It was no secret that the King disliked the foreign policy of the Whig Ministry.[1] It was notorious that the Tories objected to the treaty of November;[2] and it was known that both Wellington and Aberdeen were of opinion that the failure of any one of the five Powers to ratify it would make the whole document null and void.[3] The Russian ratification had removed the danger to Belgium which the defeat of the Whig Ministry would otherwise have created. However much they might dislike the policy of their predecessors, the Tories could not ignore a treaty which had been solemnly ratified by all the parties to it.

Wellington, however, did not succeed in forming

[1] Correspondence of Earl Grey and William IV., vol. ii. p. 351.

[2] See the House of Lords' debate of the 26th of January, 1832. *Hansard*, vol. ix. pp. 834–893.

[3] *Stockmar*, vol. i. p. 257.

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an Administration. Grey resumed office; and the Ministry which had negotiated the treaty of November was consequently charged with the duty of executing it. The Belgian Government was naturally desirous to insist on its immediate execution. The citadel of Antwerp was occupied by Dutch troops, which threatened the free navigation of the Scheldt; the navigation of the Meuse was impeded; and Belgium could not be satisfied with a state of things which endangered her communications with the sea and with the Rhine. Forced forwards by these circumstances, she formally told the Conference on the 7th of May that she should retain in her own hands the amount due from her on account of her share in the Dutch debt, as some compensation for the heavy expense thrown upon her by the prolongation of a crisis which might possibly result in war.[1] On the 13th of June her Plenipotentiary reminded the British Government that the honour and the dignity of England required the execution of the treaty of November.[2]

Belgium presses for the execution of the treaty.

It so happened that, at the very moment when Belgium was pressing for the immediate execution of the treaty, affairs in France assumed a shape which made its execution impracticable. For more than a year Casimir Périer had succeeded in fulfilling the promise of his Ministry, and had preserved peace abroad and tranquillity at home. The friends of order rallied round his Government, and thought the future of France dependent on his life and power. In the spring of 1832 the cholera, which had ravaged the Continent, made its appearance in Paris. The mortality was great; the alarm was general; and Louis Philippe, desirous of checking the panic, decided on visiting the Hôtel-Dieu, where the cholera patients were lying. He was accompanied by Périer, and the visit was a long and painful

[1] *State Papers*, vol. xix. p. 104. [2] *Ibid.*, p. 718.

one. Three days afterwards Périer was seized with the disorder. In his case the disease did not terminate with the suddenness with which it usually struck down its victims. But, after an illness protracted over six weeks, Périer succumbed to the attack.[1] The man who had preserved order at home and peace abroad was lying—so the public learned on the 16th of May—was lying dead at his hotel.

The death of Casimir Périer.

Most Frenchmen were shocked at the premature death of the man whose Ministry seemed essential for the best interests of their country. But a large party among the French welcomed the news. The Duchesse de Berri, whose little son, just attaining his twelfth year, was the hope of the Legitimists, had landed in La Vendée and unfurled the white flag. The Duchesse de Berri's chances seemed obviously improved by the removal of the strongest hand in Louis Philippe's council-chamber. Legitimacy, however, was not the only danger which threatened the mutilated[2] Ministry. French democrats objected to the policy of resistance which Périer had consistently pursued. They embodied their objections in a pamphlet called the 'Compte Rendu'—the account against the Ministry. Many of them, organised in secret societies, were naturally prepared to go much farther than the authors of the 'Compte Rendu.' The funeral of General Lamarque, an old officer who had won a reputation for courage under Napoleon, and who had gained repute as a Liberal under the Restoration, afforded a pretext for an uprising. A chance collision with the troops soon assumed the proportions of a battle, and led to the outbreak of the 5th and 6th of June, 1832.[3]

Its consequences.

Casimir Périer's death was thus succeeded by a

[1] *Guizot*, vol. ii. p. 322.

[2] 'Le Cabinet mutile,' *Guizot*, vol. ii. p. 338.

[3] For an account of these events see *Guizot*, vol. ii. pp. 322–337. It is the rising of the 5th and 6th of June which Victor Hugo has immortalised in 'Les Misérables.'

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The French Ministry reconstituted under Soult.

Legitimist rising in the West of France, and a Republican rising in Paris. The rising in La Vendée was suppressed with ease; the insurrection in the streets of Paris was put down with difficulty. But the double struggle in which the Ministry was engaged intensified the crisis which Périer's death had caused. Months passed away before Louis Philippe was able to reconstruct his Ministry. At last, in October 1832, Soult, the old opponent of Wellington in the Peninsula, was promoted from the Ministry of War to the Presidency of the Council. The Duc de Broglie immediately afterwards succeeded Sebastiani in the Foreign Office, and Guizot returned to the office, which he had previously held, of Minister of Public Instruction.[1]

During the interval between the death of Périer and the formation of the Ministry of October the Belgian question made no progress. The British Ministry hesitated to place any reliance on a French Cabinet which was without a head.[2] Distrusting France, it endeavoured to conclude some arrangement with the other Powers. To conciliate Russia the British Plenipotentiary persuaded the Conference to suspend the execution of the articles relating to the navigation of the Dutch rivers and the partition of the debt.[3] This compromise was defeated by the obstinacy of the Dutch Government.

Fruitless negotiations respecting Belgium.

The Dutch formally refused to accept it, or to evacuate the positions which they held in the Belgian territory.[4] In notifying their refusal to the Conference they forwarded to the Plenipotentiaries the draft of a new treaty to which they professed themselves willing to agree.[5] The Plenipotentiaries declined to substitute the Dutch conditions for those which they had laid down themselves.[6] The period for negotiation was thus obviously over: the period for action had begun.

[1] *Guizot*, vol. ii. p. 359.
[2] *Stockmar*, vol. i. p. 275.
[3] *State Papers*, vol. xix. pp. 117–122; but cf. *ibid.*, p. 877.
[4] *Ibid.*, p. 125.
[5] *Ibid.*, p. 134.
[6] *Ibid.*, p. 142.

Three of the five Powers, however, still shrank from action. Autocratic governments naturally sympathised with a king struggling against the recognition of a country which owed its origin to revolution. In addition to this general consideration Prussia was nervously apprehensive of the possible consequences to herself of a French occupation of Belgium; and was threatening, in the event of it, to protect her own frontier by marching an army down the right bank of the Meuse.[1] Prussia, however, was, at that time, the weakest of the autocratic Powers. She dared not move without the assistance of Russia; and Russia, it so happened, had precluded herself from moving by a very singular arrangement. During the course of the Great War Russia had borrowed from a Dutch house at Amsterdam the sum of 25,000,000 florins. After the conclusion of the war the King of the Netherlands and the King of Great Britain respectively agreed to bear one-half of the charge of this debt.[2] It was stipulated, however, that the charge should cease in the event of the sovereignty over the Belgian provinces passing at any period from the King of the Netherlands.[3]

The Russian-Dutch Loan.

The contingency mentioned in the treaty had occurred. The sovereignty of Belgium had passed away from Holland. The statesmen who had negotiated the treaty, however, had feared that Belgium would be torn away from Holland by the application of external violence. They had not foreseen the possibility of the Revolution of July. They had imagined that Britain would be the chief opponent to the separation of the two kingdoms; they had not foreseen that the task of rendering Belgium independent would be reserved for a

[1] *Stockmar*, vol. i. p. 265.

[2] The charge was: interest, 5 per cent., 750,000 florins; Sinking Fund, 1 per cent., 250,000 florins. The whole charge therefore was 1,000,000 florins.

[3] 'Soustraites à la domination de Sa Majesté le Roi des Pays-Bas.' See article v. of the treaty, in *State Papers*, vol. xviii. p. 931.

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British Foreign Minister. They had desired to give Russia a direct interest in preserving the union; they had never imagined that it would be the object of Britain to terminate and of Russia to preserve it. Yet Russia had resisted the separation. She had offered to set troops in motion to prevent it.[1] She had done her best to maintain the settlement of 1815; and she had, consequently, a right to insist that Britain should not take advantage of her own breach of that treaty to relieve herself from a charge which the treaty imposed upon her. Judged by the letter of the arrangement, no doubt, Great Britain was no longer liable to pay any portion of the Russian-Dutch Loan. Judged by the spirit of it, she could not honestly forego one iota of the charge which she had undertaken.

The claim of Russia to the continuance of its payment by Britain.

Palmerston adopted the liberal construction of the treaty. He decided that Britain was equitably liable to go on defraying its portion of the loan, and he consented to admit the liability in a new convention. He had the dexterity, however, to use the convention both as a spur and a bridle to Russia. Signed in London the day after the treaty of the 15th of November, there can be no reasonable doubt that it served as an inducement to the Russian Plenipotentiaries to consent to the treaty. But it also afforded an effectual guarantee against any future action of Russia in opposition to Britain. The Emperor promised that, if the arrangements agreed upon for the independence and the neutrality of Belgium should be endangered by the course of events, he would not contract any other agreement without a previous agreement with his Britannic Majesty.[2] Palmerston, therefore, by concluding the convention had effectually prevented any interference on the part of Russia with the policy of Britain. These arguments

[1] *Stockmar*, vol. i. p. 267. [2] *State Papers*, vol. xviii. p. 931.

however, could not be used in their integrity in public. It was impossible to plead in Parliament that the convention was a bribe which had induced Russia to sign the treaty of November; or to urge that it had effectually prevented a Russian army marching to the assistance of the House of Orange. All that ministers could do was to maintain that the good faith of the country required the strict fulfilment of its obligations; and that men of honour should recognise the spirit and not the letter of their engagements. This argument, however, did not satisfy the public. Russia was unpopular in England; the Liberals disliked giving any pecuniary assistance to a Power whose foreign policy they distrusted, and whose domestic policy they reprobated. The Tories gladly seized any opportunity for damaging a Ministry which was pressing the Reform Bill. Herries undertook to embody these views in a series of resolutions, which he proposed on the 26th of January, 1832. The resolutions affirmed that the payments made on account of the Russian-Dutch loan were unwarranted by law and contrary to treaty.

The loan attacked in Parliament.

The debate which took place on Herries' motion was very nearly fatal to the Whig Ministry. The law officers argued the case inefficiently; the Ministers themselves had little confidence in it; and nothing but a powerful speech from Palmerston, and the general conviction that the defeat of the Government would lead to a change of Ministry, deprived Herries of his victory.[1] Althorp himself avowed that, if the question had been decided upon its merits, it would have been decided against ministers; and Parnell, the Secretary-at-War, refused to vote with his colleagues, and was turned out of office in consequence of his refusal.[2] Unluckily, too, for the Ministry, a single debate did not terminate

[1] *Hansard*, ix. p. 903. Cf. *Spencer*, p. 389; *Greville*, vol. ii. p. 241; and *Denman*, vol. i. p. 376.

[2] Lord Grey's correspondence with William IV., vol. ii. p. 164.

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its embarrassments. A treaty pledging the country to an annual payment required confirmation by Parliament; and every debate on the bill which was introduced for the purpose enabled the Opposition to re-state the objections to the convention. Three great attacks on the policy of the convention were made by the Opposition towards the close of the session of 1832. The ministers succeeded, on each of these occasions, in obtaining a majority; but their efforts to do so proved a serious strain on the fidelity of their supporters.[1]

Russia is precluded from action by accepting the loan.

Embarrassing, however, as these debates proved, they strengthened the hands of the Foreign Minister. If the convention had not been ratified by Parliament Russia would have been free to render help to Holland. Its ratification precluded Nicholas from taking any steps in the matter, without the leave of England. The probability of its ratification had already suggested to Palmerston the propriety of a new step. Lord Heytesbury, who, before his elevation to the peerage, had served as envoy at the Courts of Naples and Madrid, had held for some time the embassy at St. Petersburg. He was in bad health, and anxious to be relieved from duties which had proved unusually laborious. It was, however, no easy matter to fill up the post which Heytesbury's retirement left vacant; and Palmerston decided before doing so on sending a member of the Cabinet on a special mission to St. Petersburg.[2] Lord Durham could speak, not merely with the authority of a Cabinet minister, but with the weight of Grey's son-in-law. He had an abundance of superfluous energy, which made a journey to St. Petersburg a pleasant change for him; he had nothing whatever to do as Privy Seal at home; and he was a disagreeable colleague. He was sent to St. Petersburg with orders 'to use every effort to pre-

Lord Durham's mission to St. Petersburg.

[1] See *Hansard*, vol. xiv. pp. 346, 493, 619. For the subsequent debates in the Lords, *ibid.*, pp. 904–928. Cf. *Spencer*, pp. 389, 440.

[2] *Hansard*, vol. xx. p. 901.

vail upon the Russian Cabinet to give immediate instructions to the Russian Plenipotentiaries in the Conference to co-operate, on behalf of his Imperial Majesty, cordially and effectively, in whatever measures may appear to be best calculated to effect the early execution of the treaty.'[1]

Durham's mission was not successful. Russia was unwilling to join the Western Powers in measures of coercion towards Holland; and the Western Powers were, as yet, unprepared to act alone. In the meanwhile, however, the British Foreign Minister decided on making one more effort to effect an amicable adjustment between the two disputants. For this purpose he privately consulted the representatives of both of them on the concessions which they could respectively make, and embodied in a document—which was afterwards known as his *thème*—the alterations in the treaty which thus seemed necessary. The Belgians were not unwilling to accept these alterations. The Dutch declared that they were not even authorised to discuss them. This declaration was communicated to the Conference on the 30th of September, 1832.[2] Its communication destroyed the little patience which the Plenipotentiaries of the Western Powers still possessed. The next day the French Plenipotentiary formally suggested the employment of force. The British Plenipotentiary formally supported the suggestion. The representatives of the three Northern Courts in vain asked for more delay. France and England rejoined that there had been too much delay already. The Conference, thus divided in opinion, separated[3]—the representatives of the three Northern Powers to report that their last card had been played, that their last trick had been lost; the representatives of the Western Powers to

Palmerston draws up a *thème*.

Britain and France determine on action.

[1] *State Papers*, vol. xix. pp. 875–878.

[2] *Ibid.*, p. 149. For Lord Palmerston's proposal see *ibid.*, pp. 153–165.

[3] *Ibid.*, p. 184.

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concert between themselves the new course which it was necessary for them to pursue.

There was no longer any difficulty in devising measures of coercion. The interval which had elapsed between the death of Périer and the formation of Soult's Ministry was almost terminated. France was again under the control of a firm Government; and France had received a new interest in the settlement of the Belgian question by the marriage of Leopold with a daughter of the King of the French. Urged forward by these considerations, the French Government concluded a convention with Great Britain for carrying into execution the stipulations of the treaty of November. The two Powers required Holland to withdraw all its troops from Belgian territory before the 12th of November, 1832; and they agreed,[1] if it declined to do so, to place an embargo on all Dutch shipping in their ports; to station a combined squadron on its coasts; to move a French army into Belgium; and to drive the Dutch garrison from the citadel of Antwerp. This treaty was signed by Palmerston and Talleyrand on the 22nd of October, 1832. On the 6th of November an embargo was laid, by Order in Council, on all vessels bearing the Dutch flag in British ports.[2] Nine days afterwards a French army, under Marshal Gérard, crossed the Belgian frontier and marched upon Antwerp. The citadel of Antwerp, which commanded the navigation of the Scheldt, had from the commencement of the Revolution been held by a Dutch garrison. The Dutch troops, under the command of General Chassé, attempted a brave resistance. But the force arrayed against them was so strong that a protracted defence of the position became impossible. On the 23rd of December the citadel capitulated, and the war was over.[3]

Antwerp capitulates.

[1] For the treaty see *State Papers*, vol. xix. p. 258.

[2] For the Order in Council see *ibid.*, p. 1420.

[3] The details of the siege are related in *Ann. Reg.*, 1832, Hist., p. 367.

Belgium gained her independence with the capitulation of Antwerp. Years, indeed, elapsed before the Dutch Court consented to recognise the new kingdom which had been carved out of the southern provinces of the Netherlands. But the refusal of Holland to recognise facts, which were patent to Europe, only caused inconvenience to its own statesmen, and afforded little or no embarrassment to the Belgians. The French were naturally elated at the part which their own arms had played in the closing scene of the drama. Even a calm thinker, who seldom allowed himself to be betrayed into exaggeration, spoke of the siege of Antwerp as 'cette brillante solution française de la question belge.'[1] Historians, endowed with more enthusiasm than Monsieur Guizot, wrote of the operations as if Gérard had emulated the deeds of the Duke of Parma, and declared that the siege was 'mémorable entre tous ceux qu'a mentionnés l'histoire.'[2] Such language gratified the vanity of the French nation, and strengthened the position of Soult's Government.

Enthusiasm at these events in France.

The British people could not be expected to join in the enthusiastic congratulations of their allies. They could not be expected to take any very keen interest in the military display which France was making; they could hardly avoid feeling some regret for the misfortunes which the obstinacy of a Court had brought upon the Dutch. William IV. himself disliked the policy which his ministers had forced on him. He distrusted France; he did not believe the assurances of her statesmen; and he hated the notion of any co-operation between the French and his own Government.[3] The King's feelings were shared by the Tory party. At the opening of the session of 1833 the Tories complained of a policy which

Feeling in Britain.

[1] *Guizot*, vol. iv. p. 32.

[2] *L'Histoire de dix Ans*, vol. iii. p. 430.

[3] Correspondence of Lord Grey with William IV., vol. ii. pp. 351, 385. *Stockmar*, vol. i. p. 290.

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had separated Britain from the Northern Powers; they complained of the Orders, which had interfered with the Dutch trade; and they scouted the suggestion, which Palmerston threw out, that the attack upon Antwerp could not be regarded as an act of war, but ought to be looked upon as a civil ejectment.[1]

These criticisms were chiefly heard in two places. They were raised at the opening of the session in the House of Lords; they were repeated by London merchants in the London Tavern. Peers in Parliament, traders in the City, were equally angry. But the House of Commons, just elected by an enlarged constituency, cared for none of these things. The Address was angrily debated for four nights, yet none of the speakers, except Peel, referred to foreign policy. A week after the debate on the Address Peel again endeavoured to excite a little interest in the concerns of Holland. The Reformed House of Commons was much too busy in discussing Stanley's treatment of the Irish to take any interest in Palmerston's treatment of the Dutch. Peel's motion was talked out; and serious debates on foreign policy were, during the remainder of the session, confined to the House of Lords.[2]

Yet there had never been a period in the history of England when affairs of foreign policy more thoroughly deserved the attention of statesmen. The Revolution of

[1] *Hansard*, vol. xv. p. 383; and vol. xvii. pp. 1074–1101. A British sailor was charged with being drunk in the streets, and with swearing aloud that the British flag was disgraced by sailing in company with the French tricolour. He was fined 30*s.*, and sentenced to two months' imprisonment in default, declaring to the end, 'You may send me to prison, but the British flag is not the less disgraced.' This was a hero after the Tories' own hearts; and a subscription was made at the Carlton for paying his fine. (*Raikes*, vol. i. p. 112.) This not very creditable anecdote contrasts favourably with the ordinary language of Raikes' diary in 1833. He was not ashamed to write that it would be rather amusing if the English pilots, who detest the tricolour, should have run them (the French ships) aground. (*Ibid.*, p. 100.) Even Peel told his friends that he had seen a picture of General Chassé, and that he had 'a most unsurrendering countenance.' (*Ibid.*, p. 110.)

[2] For the debate on the Address see *Hansard*, vol. xv. p. 140. For Peel's speech, *ibid.*, p. 382; for his later motion, *ibid.*, p. 770.

July, which had led to the independence of Belgium, had produced trouble and disturbances in almost every country on the Continent; and Europe was still agitated by the passions which had thus been excited. The example of the French was followed in Germany, Italy, and Poland. In Germany disturbances broke out in Hanover, in Brunswick, and in Hesse Cassel. In Hanover the movement was, happily, suppressed without bloodshed; and the authority of the Duke of Cambridge, who held the regency of the kingdom, was quietly restored. In Brunswick the reigning Duke was forced to fly from his Duchy, and to allow his younger brother to mount his throne. In Hesse Cassel the Elector was compelled to admit his eldest son to a share in the government of the Electorate.[1]

Revolution in Germany.

The changes in the government of the obscure little States of Germany did not attract much attention. But the convulsion which was taking place in Germany was felt more acutely in Italy. Italy, indeed, in 1830, was only a geographical expression; but Italy was already sighing for the unity which was the dream of all her patriots. She lay palpitating under the chains which condemned her to impotence: vainly hoping for the deliverance which was being continually postponed.

Italy.

Italy, then, was ripe for insurrection. In February 1831 insurrection broke out in the little State of Modena. The insurgents, under Menotti, were in the first instance defeated by the troops of the Duchy. But the contagion of revolt soon spread. The inhabitants of Bologna raised the tricolour; other cities in the States of the Church followed the example of the Bolognese. Modena recovered from the dejection which the defeat of Menotti had in the first instance produced. Reggio, like Modena, disowned the authority of the Archduke. The Duke, powerless to resist, fled to Mantua. The

Modena.

[1] *Ann. Reg.*, 1831, Hist., pp. 416–419.

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Pope, powerless even to fly, trembled in the Vatican. Central Italy had suddenly risen with almost irresistible power against its rulers; and sanguine patriots, confident from a preliminary success, believed that the hour of Italian unity had arrived.

If Italy had been allowed to work out her own destiny alone this result might have happened. But there was one Power in Europe which had no intention to allow liberty to oppressed nationalities. Austria had already massed one hundred thousand troops in Lombardy; and Pope and Archduke, unable to control their own subjects, appealed to Vienna. The principles which the potentates of Europe had laid down at Laybach still influenced the counsels of Francis of Austria. Convinced that 'useful or necessary changes in legislation and in the administration of States ought only to emanate from the free will and the intelligent and well-weighed convictions of those whom God has rendered responsible for power,' he was as ready in 1831 as he he had been in 1821 to march an army into Italy. His decision to do so was on the eve of terminating the peace of the world. The French Ambassador at Vienna was instructed to declare that France would not allow an Austrian army to enter the States of Rome. He urged his own Government to anticipate the war and enter Piedmont.[1]

Austria intervenes.

War would certainly have occurred if Laffitte's Ministry had remained in office. The riots, however, which disturbed Paris in February 1831 alarmed the friends of order. Laffitte fell, and Périer, as already stated, became Prime Minister. Casimir Périer regulated his policy by the advice of Talleyrand; and Talleyrand was in favour of doing one thing at a time. From his point of view it was a more important thing

[1] *Ann. Reg.*, 1831, Hist., p. 451. *L'Histoire de dix Ans*, vol. ii., pp. 303-305. *Palmerston*, vol. ii. p. 50, note.

for France to settle the Belgian question than to aid the Italians. It became consequently necessary to explain away the declaration that the French would not suffer the Austrians to enter Italy. Sebastiani, the French Foreign Minister, explained the difference between 'not consenting' to a thing, and 'making war' to prevent it. Casimir Périer, the new Prime Minister, contended that 'le sang français n'appartient qu' à la France.'[1] These declarations relieved the Austrians from all apprehensions. The insurgents were, of course, incapable of resisting a first-rate military power. A bloodless campaign of eight days restored the power of the Vatican, and peace —the peace of subjection—reigned again in Italy.[2]

Italian insurgents were naturally disappointed at the utter failure of the insurrection. They had relied on French aid; and France, under Casimir Périer, had refused to help them. The friends of progress in France bitterly regretted the part which their country had played. Regret, however, was already too late. The power of the Vatican was again supreme throughout the States of the Church; and all that France could do was to obtain the withdrawal of the foreign bayonets which protected the throne of Christ's vicar. The Great Powers thought that the authority of the Church would be strengthened if the Pope conceded some reforms to his discontented subjects. Even autocrats admitted that reforms might be initiated by themselves; and, as a new Pope—Gregory XVI.—had just assumed the papal crown, the moment seemed exceptionally opportune for their initiation. The representatives of the five Powers at Rome accordingly urged the concession of reforms in every department of the

[1] *L'Histoire de dix Ans*, vol. ii. pp. 313, 314.

[2] The proclamation of Baron de Frimont, the Austrian general, issued from Milan at the commencement of the campaign, was dated March 19, 1831. (*State Papers*, vol. xix. p. 1427.) The campaign was practically closed with the occupation of Ancona, on March 27.

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Government. Laymen, they suggested, should be eligible for judicial employment; municipalities should be organised in the towns; provincial councils should be established in the delegations; and the finances of the State should be regulated on sound principles.

Gregory XVI. promulgates reforms.

The Pope assented to the reforms which the Powers impressed upon him; and ultimately embodied them in five edicts, which extended over two hundred quarto pages.[1] He had no longer any excuse for retaining the troops of Austria to maintain order among his crushed and disconsolate people. He let them go; and he announced their departure with expressions of gratitude to his deliverers and of reproaches to his subjects. 'The Imperial and Royal Austrian troops, after having made a short sojourn amongst you, having completed the work of your deliverance, and re-established amongst you the pacific government of your legitimate sovereign, quit this country leaving behind the pleasing recollection of the exemplary discipline which they have maintained, and the tranquillity which you have enjoyed under the protection of their respected and glorious arms. Such a benefit calls for all your gratitude; and, if the remedy for so many evils which have been caused by a disgraceful revolt has cost you some sacrifices, the remembrance of them will render you careful to prevent any fresh disorders, and remind you that the Powers, who are guarantees of the integrity and independence of the dominions of the Holy See, will never be indifferent to the disturbances which may break out amongst you. It remains, therefore, for you to choose between respect for public order and your own good, and disorder, with the immeasurable abyss of calamity and misery which is the inevitable consequence of it.'[2]

The Austrians evacuate the States of the Church.

Unfortunately for his Holiness, the wretched inhabi-

[1] For these reforms see Guizot's *Mémoires*, Pièces Historiques, vol. ii. p. 432.
[2] *State Papers*, vol. xix. p. 1427.

tants of the Romagna did not share with him the pleasing recollection of the exemplary discipline which had been maintained by the Austrian soldiery, or regard with similar gratitude the pacific government of their legitimate sovereign. Notwithstanding the immeasurable abyss of calamity and misery which the Pope assured them was the inevitable consequence of disorder, fresh disturbances broke out in the legations. The Papal troops, ordered to repress them, acted with a cruelty which increased the animosity of the insurgents. The Pope again applied to Austria for aid against his subjects; and on the 19th of January, 1832, the Austrian troops, under the command of Radetzky, an officer destined to acquire fame in Italy, again crossed the Po, and entered the Romagna.[1]

Fresh disturbances occur.

Second Austrian occupation.

The Austrians probably hoped that the French would maintain their previous attitude of neutrality. But there is a limit to the endurance of the most patient nations. France could not tolerate the chronic appearance of the Austrian eagles in Rome; and the French Ministry accordingly decided to throw a French force upon Italy. A man-of-war and two frigates were ordered to sail for Ancona, and to occupy the town. The ships had, of course, to circumnavigate Italy; the commander-in-chief of the expedition, General Cubières, was instructed to proceed direct to Leghorn, and to obtain the Pope's assent to the landing of the troops. It was supposed that Cubières, who had only a few hundred miles to go, would complete his mission before the circumnavigation of the Peninsula had been effected by the French vessels. The winds of heaven have, however, occasionally upset the most careful calculations. Cubières was delayed by contrary gales; the squadron completed an unexpectedly rapid voyage. Without waiting for any message from Cubières the French effected a landing,

The French occupy Ancona,

[1] Radetzky's proclamation will be found in *State Papers*, vol. xix. p. 1428.

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occupied the town, and hoisted the tricolour. In one spot on Italian soil an effectual support had been given to the revolutionary movement.

Gregory XVI. had welcomed the Imperial troops with gratitude. He saw the arrival of the French troops with consternation. His genuine alarm was shared by other nations. In this country the Tories were indignant at a proceeding which was subversive of all their traditions. Their indignation was increased by the success which the French achieved. The Tories began by laughing at an expedition which comprised only three men-of-war.[1] They ceased laughing when the three men-of-war raised the tricolour in the heart of Italy. Aberdeen, who was devoid of all sympathy with oppressed nationalities, denounced the expedition in the House of Lords. Sir R. Vyvyan and Lord Eliot attacked the French in the House of Commons.[2] But these attacks did not make much impression. Palmerston had, from the first, been of opinion that Austria had been 'wrong and foolish' in interfering at all;[3] Lord Grey had, from the first, recognised the moderation of Périer's Government. Even the King sneeringly declared that he had fully expected 'Aberdeen would make a piece of work about the Ancona business.'[4] The French Government was persuaded to say that the naval officer in command of the expedition had exceeded his instructions in occupying Ancona without waiting for Cubières. He was consequently recalled. But the troops in occupation of the town were not recalled; the tricolour was not pulled down; and Austria learned, for the first time since Waterloo, that one Power in Europe was prepared to dispute her supremacy in Italy.

The party of progress in France was naturally elated

[1] *Raikes' Memoirs*, vol. i. p. 17.
[2] *Hansard*, vol. x. p. 725; vol. xi. pp. 112, 129, 871.
[3] *Palmerston*, vol. ii. p. 50.
[4] Correspondence of Earl Grey and William IV., vol. ii. p. 257.

at the Italian policy of the French Government. In one part of Europe, at any rate, French arms had given effective and timely aid to an oppressed people. But the wars of Italy were of much less interest to the French than the wars of Poland; and Poland, like Belgium and the Romagna, had felt the invigorating influence of the Revolution of July. The partition of Poland had been accomplished in a dark period of the preceding century. It was almost universally regarded in Western Europe as a mistake and a crime. It was a mistake to have removed the barrier which separated Russia from the West; it was a crime to have sacrificed a free and brave people to the ambition of a relentless autocrat. The resistance which the residue of the Poles opposed to its conquerors increased the compassion which was everywhere felt for the Polish people. The cause of freedom was identified with the cause of Poland, 'and freedom shrieked' when Poland's champion 'fell.' The statesmen, however, who parcelled out Europe amongst the victorious autocrats in 1815 were incapable of appreciating the feelings which had inspired the Scotch poet. Castlereagh, indeed, endeavoured to make terms for Poland.[1] But he did not lay much stress on his demands. He contented himself with obtaining the forms of constitutional government for the Poles. Poland, constituted a kingdom, whose crown was to pass by hereditary succession to the Emperors of Russia, was to be governed by a resident Viceroy, assisted by a Polish Diet.[2]

Poland.

Constantine, who had abdicated the crown of Russia in his brother's favour, was Viceroy of Poland. In the eyes of Russia he had one merit—by stern discipline he had made the Polish army an efficient force. In the eyes of Poland he had one merit—he had married a Pole. People who were neither Poles nor Russians

[1] *Hansard*, vol. xiii. p. 1117.

[2] The 'Charte Constitutionnelle' of 1815 is published in *State Papers*, vol. xix. p. 971.

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saw no merit in a savage prince whose conduct and character made him more like a brute than a man. He was residing at Warsaw when the news of the glorious days of July reached Poland. The Poles were naturally affected by the tidings of a revolution which had expelled autocracy from France. Kosciusko—the hero of 1794—was their favourite patriot. The cadets at the Military School in Warsaw, excited at the news, drank to his memory. Constantine thought that young men who dared to drink to Kosciusko deserved to be flogged. The cadets, learning his decision, determined on resisting it. Their determination precipitated a revolution which, perhaps, under any circumstances, would have occurred. Every circumstance which could justify revolt existed in Poland. The Constitution provided for the regular assembly of the Diet: the Diet had not been assembled for five years. The Constitution declared that taxes should not be imposed on the Poles without the consent of their representatives: for fifteen years no budget had been submitted to the Diet. The Constitution provided for the personal liberty of every Pole: the Grand Duke seized and imprisoned the wretched Poles at his pleasure. The Constitution had given Poland a representative government; and Constantine, in defiance of it, had played the part of an autocrat.[1] The threat of punishment, which Constantine pronounced against the military cadets, merely lighted the torch which was already prepared. Eighteen young men, armed to the teeth, entered the Grand Duke's palace and forced their way into his apartments. Constantine had just time to escape by a back staircase. His flight saved his life. The cadets only cut down a chief of the police and an aide-de-camp. The lives of police officers and soldiers are held at a very cheap rate by the Tory historians who relate the annals of the

The military cadets of Warsaw.

[1] *Hansard*, vol. xiii. p. 1122.

world. Alison thinks it necessary to declare that little could have been expected from the insurrection if it had commenced with the murder of the Viceroy. He relates, without a trace of compunction, the slaughter of his unoffending officers.[1]

The insurrection of 1830.

The insurrection, commenced in the Archduke's palace, soon spread. Some of the Polish regiments passed over to the insurgents. Constantine, who displayed little courage or ability, withdrew from the city; and, on the morning of the 30th of November, the Poles were in complete possession of Warsaw. They persuaded Chlopicki, a general who had served with distinction under Suchet in Spain, to place himself at their head. In some respects Chlopicki was well qualified for this position. He was a skilful soldier, and the services of a skilful soldier were of use to a people who were about to enter upon a struggle for their independence. In another sense he was disqualified for the position which was thrust on him. Accustomed to measure force by military rules, he was incapable of appreciating the power of a revolution. He could have proved to demonstration in 1776 that Washington was a fool, or in 1796 that Napoleon was a rash adventurer. Raised to the first position in the State, his warmest counsellors urged him to attack the few thousand men whom Constantine still commanded. Chlopicki preferred negotiating with the Russians. The negotiation, of course, failed. Nicholas had no intention to allow a fraction of his subjects to claim their virtual independence, and slowly commenced placing his huge legions in motion. 'I am King of Poland,' was his bold reply to Chlopicki's appeal: 'the first cannon-shot fired by the Poles shall annihilate Poland.'[2] The insulting language irritated the Poles into action. Chlopicki—his own well-intentioned

[1] *Alison*, vol. iv. pp. 619–621.
[2] *L'Histoire de dix Ans*, vol. ii. pp. 161, 239.

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effort having failed—resigned his office; and his fellow-countrymen invested Radziwil with the command of their army, and placed Adam Czartoryski at the head of the Government.

Nicholas despatches Diebitsch to Poland.

In the meanwhile Nicholas was steadily preparing for the contest which was before him. Diebitsch, who had brought the campaign of 1829 to a victorious conclusion, was entrusted with the command of the Russian army. Diebitsch never doubted that the troops which had crossed the Balkans and dictated peace at Adrianople would obtain an easy victory over the undisciplined peasantry who were collected under the banners of Radziwil and Czartoryski. With an easy heart he went to gather new laurels on the banks of the Vistula. Nearly every authority in Europe shared his views. One general alone, perhaps, suspected that he was overconfident. Wellington was moodily brooding over the consequences of the Reform Bill which the Whig Ministry was introducing; but he had a little leisure to devote to the prospects of the campaign on the Vistula. He had carefully studied the causes of Napoleon's failure in 1812; and he understood the nature of the country which Diebitsch would have to traverse. 'On voit,' he wrote to Madame de Lieven, 'que le Maréchal Diebitsch doit passer la Vistule en courrier; et arranger le gouvernement polonais aussi vite que l'on va détruire le gouvernement britannique.'[1]

It would be impossible in a history of England to give any detailed account of the campaign which immediately ensued, and which reawakened in Western Europe an extraordinary enthusiasm for Poland; but it will add interest to a pathetic chapter in the world's history if its outline be rapidly traced. The kingdom of Poland is divided into two portions by the Vistula, which, after entering it from Galicia, crosses it in a

[1] *Wellington's Suppl. Correspondence*, vol. vii. p. 411.

north-westerly direction. On the left bank of the river, nearly in the centre of the country, stands the town of Warsaw, the capital and the chief seat of the revolution. Some miles below Warsaw the Vistula is joined on its right bank by its great tributary the Bug, which, after separating Poland from the Russian provinces of Grodno and Volhynia, turns to the west and seeks the main river. An army attacking Warsaw from the east or the north must, therefore, be prepared to force a passage over the Bug and Vistula.

The description of Poland.

Three great military roads converge from the east upon Warsaw. The most northerly of these enters Poland at Kovno, crosses the Narew, a tributary of the Bug, at Ostrolenka, and runs down the right bank of the first of these rivers; the central road crosses the Bug at Brzesc and proceeds almost due west upon Warsaw; the most southerly of the three enters Poland from the Austrian frontier, crosses the Vistula at Gora, and proceeds along its west bank to the capital. Diebitsch decided on advancing by all three routes on Warsaw. Twenty thousand troops marched from the north, ten thousand from the south, while eighty thousand, under his own command, moved along the central and most direct route. The three Russian armies were, therefore, all separated from each other by deep and broad rivers. The separation was the more complete, because, in the spring of the year, both the Vistula and the Bug are full of blocks of floating ice, which necessarily interfere with the construction and endanger the safety of any temporary bridges. Radziwil awaited Diebitsch's attack a league in front of Warsaw. His right was covered by the Vistula; his centre was stationed at the little village of Grochow; his left, which was under the command of a gallant Pole, Skrzynecki, rested on a dense wood. He enjoyed the advantage of a central position; but he had

Diebitsch's original campaign.

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no secure line of retreat. In the event of defeat a single bridge, in the rear of the army, crossed the Vistula near the village of Praga into Warsaw. Such was the scene of the first battle in the Polish war of independence. Diebitsch, on the 20th of February, 1831, attacked the Poles; on the 25th he renewed the attack. The battle on the 20th raged round the village of Grochow; it raged on the 25th round the village of Praga. Fought with extreme obstinacy, neither side was able to claim any decided advantage. The Russians could boast that the Poles had withdrawn across the Vistula. The Poles could declare that their retreat had been conducted at leisure, and that the Russians were unable or unwilling to renew the attack. Diebitsch himself, seriously alarmed at the situation into which he had fallen, remained for a month in inaction at Grochow. Before the month was over Radziwil, who had proved unequal to the duties of his post, was superseded in the command of the Polish army by Skrzynecki. On the 30th of March, Skrzynecki crossed the Vistula at Praga, and attacked the division of the Russian army which occupied the forest of Waver, near Grochow. The attack was made in the middle of the night. The Russians were totally defeated; they experienced a loss of 5,000 in killed and wounded, and 6,000 prisoners.

Indecisive battle of Praga.

Skrzynecki defeats the Russians at Grochow,

Crippled by this disaster, Diebitsch fell back before the Polish army. Encouraged by his success, Skrzynecki pressed forward in pursuit. The great central road by which Warsaw is approached crosses the Kostczyn, a tributary of the Bug, near the little village of Iganie, about half-way between Russia and Warsaw. Eleven days after the victory of the 30th of March the Russians were again attacked by the Poles at Iganie. The Poles won a second victory. The Russians, disheartened at a succession of reverses, scattered before the attack; and the cause of Poland seemed to have been

and at Iganie.

already won by the gallantry of her children and the skill of their generals.

Diebitsch, however, defeated at Grochow and Iganie, was not destroyed. He withdrew his shattered army across the Kostczyn to Siedlice, a little town in the rear of that river. Foregoing his original intention of advancing by three roads on Warsaw, he determined to concentrate his right on the northern road at Ostrolenka, his left, on the direct road at Siedlice. It was open to Skrzynecki to renew the attack, where Diebitsch expected it, and throw himself on the defeated remnants of the Russian army at Siedlice. Instead of doing so he took advantage of his central situation to cross the Bug and throw himself upon the Russian right at Ostrolenka. The movement was skilfully arranged; the attack was expeditiously delivered; it proved in the first instance successful. Half the Russian army was suddenly exposed to the assault of a superior force, the other half on the left bank of the Bug was isolated. Skrzynecki had reason to hope that he might obtain a complete success before Diebitsch could by any possibility march to the rescue. He failed. Diebitsch succeeded in concentrating his entire force before the destruction of his right wing had been consummated. On the 26th of May, Skrzynecki found himself opposed to the whole Russian army. Throughout the whole of that day the Polish levies gallantly struggled for the victory. When evening came they remained masters of the field which had been the scene of the contest. A negative victory of this character, however, was not the object of the great movement upon the Russian right. The Polish general, his army weakened by heavy losses, resolved on retiring upon Warsaw. Offensive operations were over: the defensive campaign had begun.

The battle of Ostrolenka.

Victory with the Poles had, in fact, proved as fatal as defeat. The Russians, relying upon their almost

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illimitable resources, could afford to lose two men for every one whom Poland could spare. Every fresh triumph weakened the resources of the revolt, and strengthened the relative power of autocracy. It happened, too, that a more fatal enemy than even war fell upon Poland in the hour of her necessity. The cholera, which had been rapidly advancing through Russia during 1830, broke out in the Russian army in the spring of 1831. The prisoners taken at Iganie communicated the seeds of infection to the Polish troops. Both armies suffered severely from the disease; but the effects of it were much more serious to the cause of Poland than to the cause of Russia. Autocracy could, unfortunately, afford to change pieces. Nicholas was sure of his game if he could only take one pawn for every two which he lost. The cholera, however, unlike the autocrat whose cause it served, knew no distinction of persons. A fortnight after the battle of Ostrolenka, Diebitsch, who had advanced his head-quarters to Pultusk, succumbed to the malady. In the same week Constantine, the Viceroy of Poland, and his Polish wife, also died.

The cholera.

Death of Diebitsch and Constantine.

Diebitsch's death concluded the first portion of the memorable campaign of 1831. The varying incidents of the struggle had been watched with feverish anxiety in Western Europe. In Paris especially the people had raised a universal cry for aid to Poland.[1] The enthusiasm of the French was naturally increased by the news which rapidly arrived of the brilliant victories of Grochow and Iganie. At the time at which they were won Louis Philippe was supporting the claims of Belgium against the decisions of the London Conference; the French Ambassador at Vienna was forbidding the Austrians to enter the Romagna; the French Ambassador at Constantinople was urging the Turks to break with the Russians and declare war against them.[2] Thus, in

Enthusiasm in France.

[1] *L'Histoire de dix Ans*, vol. ii. p. 166.

[2] *Ibid.*, p. 303.

March 1831, war, universal war, seemed imminent in Europe. The torch was already lit which might have involved the entire Continent in a general conflagration. CHAP. XVI. 1831.

Peace seemed impossible. Yet peace was preserved by the fall of Laffitte and the accession of Casimir Périer to power. The differences respecting Belgium were settled by a satisfactory compromise; the threats respecting Italy were explained away; Poland, it was conveniently recollected, was removed by 400 leagues from the French frontier. France was condemned by her situation to a policy of inaction.[1] These arguments, plausible as they were, did not carry conviction to the friends of progress in France. They thought that the Ministry had betrayed Poland, and that, in betraying Poland, it had betrayed France. Their views were shared by some men of advanced opinions in this country. Years before the poet of Hope had declared the partition of Poland the 'bloodiest picture in the book of time:' his fading genius was roused into fresh vigour by French apathy in 1831:—

> See, whilst the Pole, the vanguard aid of France,
> Has vaulted on his barb, and couch'd the lance,
> France turns from her abandon'd friends afresh,
> And soothes the Bear that prowls for patriot flesh.

Casimir Périer refuses to move.

Casimir Périer, however, was not moved from his purpose either by the friends of progress in Paris or by the taunts of a British poet. He steadily refused to enter upon the difficult enterprise of assisting Poland. The news of the next few months, however, naturally threw much doubt on the justice of this decision. Every fresh victory which the Poles gained in the field raised their importance as allies. In common charity it seemed necessary to make some effort for the generous people engaged in a bitter struggle for their freedom, and Talleyrand was accordingly instructed

[1] *L'Histoire de dix Ans*, vol. ii. p. 400.

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to talk the matter over with Palmerston, and to propose the joint mediation of France and England. The British Government had no love for Russia; it sympathised warmly with the Poles; but it had no ships to spare for an expedition to the Baltic;[1] it had no means, therefore, of following up its remonstrances. Under these circumstances it declined to join in the mediation which was proposed by France; and Poland was consequently left to fight her battle to the end alone.[2]

Palmerston refuses to intervene.

That end was coming rapidly. Diebitsch was at once succeeded in the command by Paskievitsch, an officer who had gained distinction in Asia Minor. Paskievitsch saw that Diebitsch had been incessantly hampered by the nature of the country over which he had been advancing. His columns, separated from each other by broad rivers, had been attacked and beaten in detail by the Poles. Paskievitsch decided on removing this risk by crossing the Vistula and advancing from the west on Warsaw. The movement would not have been possible if Prussia had been either hostile or indifferent to the Russian cause. The Russian general could only obtain the supplies which he required through Prussian territory. But the autocrat of Berlin readily assisted the autocrat of St. Petersburg. On the 7th of July, Paskievitsch crossed the Vistula at Plock, and threatened Warsaw from the rear. The army, said Nicholas, in announcing the movement to the Poles, 'a franchi la Vistule que vous regardiez comme un obstacle insurmontable. Elle marche sur Varsovie.'[3] The same

Paskievitsch succeeds Diebitsch, and changes the plan of the campaign.

[1] Grey, writing to Brougham on Jan. 1, 1832, calls the Russians 'those d—d Russians.' 'It is to be regretted,' he says on the same occasion, 'that we had no power of sending a fleet into the Baltic last summer to settle the matter in Poland.' *Brougham*, vol. iii. p. 165.

[2] The despatches relating to Poland which passed between Talleyrand and Palmerston were not published till 1861. See Parliamentary Papers, 1861, vol. lxv. p. 349. Cf. Louis Blanc, *L'Histoire de dix Ans*, vol. ii. p. 424; and Guizot's *Mémoires*, vol. ii. p. 282.

[3] *State Papers*, vol. xviii. p. 1333.

great authority, who had denounced Diebitsch's over-confidence in March, saw plainly enough the beginning of the end, and told his friends that the contest would very soon be over.[1]

The end was nearer than even Wellington anticipated. The sole hope for Poland lay in the concentration of every available man at Warsaw; and the Poles made the mistake of marching up the Narew, and flinging themselves on the communications of the Russian army. A similar movement in 1814 had brought Napoleon to his ruin; and the Poles had not even the excuse which Napoleon could urge for abandoning their capital. The allies in 1814 were compelled to draw their supplies from the Rhine; and Napoleon might fairly imagine that the presence of an unbeaten army on the line of their retreat would paralyse their advance. Paskievitsch, on the contrary, had voluntarily abandoned his communications with Russia, and the presence of the Polish army on the Narew caused him no embarrassment. Slowly and steadily he advanced against the capital. On the 6th of September he attacked the devoted city. Inch by inch the Russians made their way over the earthworks which had been constructed in its defence. On the evening of the 7th the town was at their mercy; on the 8th it capitulated, and Nicholas was able to address his thanks to the Deity, in whose hands are the destinies of empires and nations, and who had so plainly blessed the good cause of the Czar of Russia.[2] He omitted to add that Providence had only followed its usual rule of siding with the larger battalions.

Warsaw capitulates.

Warsaw had thus fallen. The news of its fall reached Paris on the 15th of September. The news of Waterloo had not created so much consternation in the

The news of its fall in France.

[1] *Greville*, vol. ii. p. 157.

[2] See the Emperor's manifesto. *State Papers*, vol. xviii. p. 1334.

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French capital. Business was suspended; the theatres were closed. The cause of Poland was in every mind, the name of Poland on every tongue. Sebastiani, the Foreign Minister of France, increased the anger of the people by the terms in which he announced the catastrophe: 'L'ordre règne à Varsovie.'[1] The Parisians had experienced the order which results from the occupation of a foreign army. They realised the cup of suffering which was in store for the Poles, and they were angry at the part which they themselves had been forced to play in the matter. Poland had learned the bitter truth of the saying, 'Dieu est trop haut et la France trop loin,' and had been abandoned to her miserable destiny.

Palmerston intercedes for Poland.

England felt less keenly than France. Yet, even in England, the best men were a little ashamed of the cruel indifference with which the struggle had been regarded. Palmerston, busily occupied with the Belgian question, had steadily refused to help the Poles. Early in 1831, indeed, he had told Russia that rebellion should not alter the privileges which had been secured for the Poles by Europe. The remonstrances of an unarmed man are of little avail. Nesselrode briefly replied that the Poles and not the Russians had broken the treaty; and that England and France could not object to the Russians taking military measures to which Austria and Prussia were assenting parties. With this answer Palmerston was forced to content himself; but he made one more effort, after Warsaw had fallen, to obtain terms for the Poles. He again received an almost contemptuous rebuff from Nesselrode. The treaty of Vienna 'n'impose à la Russie d'autre obligation que celle de maintenir l'union que le traité avait formée.' 'La Constitution ne fut point une conséquence du traité, mais un acte spontané de son (d'Alexandre) pouvoir

[1] *L'Histoire de dix Ans*, vol. ii. p. 453.

souverain. Elle a été annulée par le fait de la rébellion.'[1] CHAP. XVI. 1832.

Compunction had no place in the breast of a Russian minister. On the 26th of February, 1832, Nicholas promulgated a new organic statute for the government of Poland, which he had the insolence to claim for Russia by the right of conquest of 1815. A draft of the statute reached Western Europe in the spring of 1832. About the same time stories were received of the treatment which the Russians were systematically applying to the ill-fated country. Her schools were closed; her national libraries and public collections removed; the children of the Poles were carried into Russia; their fathers were swept into the Russian army; whole families accused of participation in the rebellion were marched into the interior of the empire; columns of Poles, it was stated, could be seen on the Russian roads linked man to man by bars of iron;[2] and little children, unable to bear the fatigues of a long journey, were included among them; the dead bodies of those who had perished on the way could be seen on the sides of the Russian roads. The wail of their wretched mothers—'Oh, that the Czar could be drowned in our tears!'—resounded throughout Europe;[3] and Western Europe learned what autonomy could do in pursuit of a 'paternal solicitude for its faithful subjects'![4] The treatment of Poland by Russia.

The woes of Poland necessarily attracted attention in the House of Commons. In August 1831, Evans, the member for Rye, attacked the conduct of Prussia in rendering effectual assistance to the Russian armies.[5] In April 1832, Cutlar Fergusson, the member for Kirk- Debates in Parliament on Poland.

[1] For this correspondence see Parliamentary Papers, 1861, vol. lxv. p. 357; see especially pp. 10, 11, 12 of those Papers.

[2] *Hansard*, vol. xiii. p. 1126. Cf. Palmerston's instructions to Lord Durham, Parliamentary Papers, 1861, vol. lxv. p. 377.

[3] *Hansard*, vol. xix. p. 406.

[4] 'Notre sollicitude paternelle pour nos fidèles sujets.' *State Papers*, vol. xix. p. 962.

[5] *Hansard*, vol. vi. p. 101.

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cudbright, moved for a copy of the manifesto in which Nicholas had announced his new organic statute for the Poles. Important business kept Palmerston from the debate; and a sense of duty compelled Althorp to be silent.[1] Fergusson had to wait for another two months before he was even able to obtain the papers which he required.[2] The sympathetic language, however, used on every side of the House induced the Ministry to make one more effort for the unfortunate country which was lying under the merciless heel of Nicholas. Durham was instructed, during his special embassy to St. Petersburg, to intercede for the Poles. But Durham gained nothing by his attempted mediation. He had been too late; Palmerston had been too late; Cutlar Fergusson had been too late. Vigorous remonstrances, in the spring of 1831, might, possibly, have been successful; they fell idly on the ear of Nicholas in the summer of 1832. In 1831 the revolt of the Poles threatened ruin to autocracy in Russia; in 1832 the prostration of Poland removed every cause of anxiety from the heart of the Emperor. Nicholas was free to attend to other matters; and an unexpected series of events in the Ottoman Empire was absorbing his attention.

Mehemet Ali.

Sultan Mahmoud had not been successful in infusing fresh life into his decaying empire. But a capable Pacha had made one of its provinces a formidable power. Mehemet Ali had once sold tobacco in a little seaport town in Albania. Ambition and ability had made him the most powerful man in the Mahometan empire. At Navarin his fleet had contended with the combined squadrons of Britain, Russia, and France. Its destruction had not arrested the designs of the ambitious Pacha. He repaired his losses, and in a few months found himself again in possession of a considerable armament. In 1831 Abd-Allah Bey, Pacha of

[1] *Hansard*, vol. xii. pp. 636, 653. [2] *Ibid.*, vol. xiii. p. 1115.

Acre, incurred his displeasure. Technically Abd-Allah and Mehemet were both the viceroys of the Porte, and one of them had no more right to call the other to account than the governor of one British colony to declare war upon another British colony. Technical considerations, however, have little weight with the absolute masters of trained battalions. Abd-Allah Bey incurred the displeasure of Mehemet Ali; and Mehemet decided on marching upon Acre and upon chastising Abd-Allah Bey.

His expedition against Acre.

Mehemet's expedition was placed under the command of Ibrahim; and Acre was attacked in the autumn of 1831. At the outset Mahmoud commanded Mehemet to withdraw his forces and to lay his grievances before his Sultan. He might as well have ordered the lion to loose his death-grip on the roe. He endeavoured to enforce the order which his vassal disobeyed, and sent troops to raise the siege which Ibrahim was resolutely pressing. He had no army which dared encounter the Egyptian soldiery. The Turks fled before Ibrahim; and on the 27th of May, 1832, after a five months' siege, Abd-Allah Bey, despairing of relief, surrendered Acre to the Egyptian general.[1]

Acre had for centuries been regarded as the key of Syria. It was the chief prize of the Crusaders in the twelfth century; it was the chief conquest of the Saracens in the thirteenth. Its possession had been an object of ambition to Napoleon. His failure before it had altered the destinies of the world. The fall of Acre seemed to place the empire of the East at the mercy of the Pacha who had seized the keys of Syria. Ibrahim's conduct justified this fear. Without allowing the grass to grow under his feet he moved from the scene of his triumph and marched upon Damascus. The Turkish army, mustered to defend the town, fled with-

[1] *Ann. Reg.*, 1832, Hist., p. 400. Cf. Creasy's *Ottoman Turks*, p. 521.

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out striking a blow, and Ibrahim entered the city. The valley of the Orontes before him, the slopes of Lebanon on his left, Ibrahim marched down the river upon Antioch. On the 8th of July he defeated a Turkish army at Homs, and found himself undisputed master of Syria. Syria is separated from Asia Minor by the great range of the Taurus. The Turks endeavoured to hold the range against the Egyptians. They posted themselves for the purpose in a strong position at Billau, near Scanderoon. But the strength of their position proved no obstacle to Ibrahim. On the 29th of July he drove the enemy from the defiles which they were guarding, and forced the passage of the Taurus. The passage of the mountains necessarily occupied time, and afforded Mahmoud leisure to collect one more army for the defence of his throne. On the 29th of October this army gave battle to Ibrahim at Konieh. The Turks were again totally defeated; and Ibrahim, without an army to withstand his progress, without a mountain barrier to arrest his advance, renewed his march on the Bosphorus.

Ibrahim defeats the Turks.

Crosses the Taurus,

and marches on the Bosphorus.

Never in its previous history had the Porte been exposed to so immediate a danger. Ibrahim at Konieh was a more formidable adversary than Diebitsch at Adrianople. It seemed possible that the events of a single week might place the dealer in tobacco on the throne which had been occupied for centuries by the proud House of Othman. Before Mahmoud's last army had been defeated Turkey appealed to England to stop the progress of the Egyptians. The British Ministry was, however, occupied with the affairs of Belgium; its fleet was on the point of being ordered to the Dutch coast; it had no vessels to spare for service in the Mediterranean, and it consequently felt bound to refuse the Porte's request.[1] Mahmoud, forced to look else-

Mahmoud appeals to Britain,

[1] *Hansard*, vol. xix. p. 579; and vol. xx. p. 900.

where for assistance, turned to France. But France, like Britain, was earnestly intent on settling the Belgian question. Marshal Gérard was actually attacking Antwerp; the King's sons were serving in Marshal Gérard's army; and France hesitated to commence war in Asia Minor before the war in the Low Countries was terminated. An additional reason discouraged the French from armed interference in the East. As a nation they were inclined to preserve the Ottoman Empire, but a large party in the nation thought that a change from Mahmoud to Mehemet might infuse new life into a rotten system. Mehemet had shown a capacity and vigour which had made him a power in the civilised world. His success in Egypt foreshadowed the possibility of his accomplishing greater successes in Turkey. His reforms, moreover, had been effected with the aid of French machinery; his Administration was based on a French model; his army was officered by Frenchmen. The influence of France asserted itself in every department of his government and affected his policy.[1]

to France.

There was only one other Power to which Mahmoud could turn for help. Russia was within a few days' sail of the Bosphorus; she was ready to avail herself of any excuse for sending troops to Turkey; and the defeat of the Poles a few months before gave her leisure to resume her traditional policy. Nicholas at once agreed to place troops at Mahmoud's disposal; and 6,000 Russians were landed at the mouth of the Bosphorus. Their presence stayed the Egyptian advance. Ibrahim, indeed, moved to Kutaya, and assured a Russian officer, who had been sent to stop him, that his movements depended on his father's orders.[2] His father preferred gathering in the harvest which he had secured to venturing on new conquests. He received the pachalics of Jerusalem, Tripoli, Aleppo, Damascus, and

and to Russia.

A Russian army sent to the Bosphorus.

[1] *L'Histoire de dix Ans*, vol. iv. p. 128. [2] *State Papers*, vol. xxii. p. 143.

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Adana, in addition to Egypt and Crete. The whole of Syria and the northern shores of the Bay of Scanderoon were thus virtually surrendered to him. The eastern coasts of the Mediterranean; the hills and valleys of Palestine; the Holy City itself, became the property of the tobacco-dealer of Albania.

The balance of power in the East had been suddenly changed, and a revolution, whose consequences seemed of almost immeasurable importance, threatened the annihilation of the House of Othman. In Western Europe, however, the advance of Russia to the Bosphorus seemed of even greater moment than the presence of Ibrahim at Kutaya. Russia, at the instance of the Turk, had, at last, succeeded in planting her eagles on the shores of the Bosphorus. She had come; and the Turk found that her advance was more easily effected than her retreat, and that a fresh humiliation was in store for him before he could obtain the withdrawal of his new friends. The price to be paid for their withdrawal took the shape of an offensive and defensive treaty between Russia and Turkey. The treaty, which is known as the treaty of Unkiar Skelessi, was signed on the 8th of July, 1833. It merely stipulated that, if one of the two countries was attacked, the other should furnish it by land and by sea with as many troops and forces as the two high contracting Powers should deem necessary. But an additional article was appended to the treaty which declared that, as Russia would not ask for aid from the Sublime Porte, the Porte should confine its action to not allowing any foreign vessel of war to enter the Dardanelles.[1] Nicholas had thus effected by a stroke of the pen what none of his predecessors had been able to accomplish. He had excluded the ships of war of every nation except his own from the shores of the Bosphorus.

The treaty of Unkiar Skelessi.

[1] See Parliamentary Papers, 1836, vol. l. p. 635, where the treaty is printed. Cf. Guizot's *Mémoires*, vol. iv. pp. 39–53.

Debates in Parliament on these events.

These events created an extraordinary sensation in England. On the 11th of July, 1833, the conduct of Russia was roundly attacked in the House of Commons by Henry Bulwer. Bulwer moved 'for papers respecting the measures pursued by Russia;' his motion was resisted by the Foreign Secretary, who declared that, 'at the very time at which they were speaking, the Russian troops had evacuated Turkey.'[1] At the time at which they were speaking the ink had hardly dried on the treaty of Unkiar Skelessi. Six weeks afterwards, on the 21st of August, a London newspaper suddenly announced the signature of the treaty.[2] The session was drawing to a close; but Palmerston was at once questioned on the subject. He could only say that he was not in possession of the treaty, and that public journals, 'by the activity of their agents, were sometimes beforehand with the Government.'[3] The terms of the treaty were, in fact, only communicated to the Foreign Office in the commencement of 1834. But Palmerston still declined to satisfy the curiosity of the public by its official publication. Sheil, on the 17th of March, again urged its production; but the application was again refused.[4]

Parliament naturally refrained from insisting on the production of documents which a Foreign Minister declared that it was inconsistent with public interests to produce; but it displayed a deep and growing irritation at the part which Britain had played in the affairs of the East. Constantinople had been saved; but Mahmoud owed the remnant of his empire to the sword of his hereditary enemy. The catastrophe which had occurred in Poland a year before seemed doubly fatal when it was read under the light of the history which

[1] *Hansard*, vol. xix. p. 578.

[2] The *Morning Herald* of August 21, 1833, in a letter from its Constantinople correspondent.

[3] *Ibid.*, vol. xx. p. 875.

[4] *Hansard*, vol. xxii. p. 307.

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had succeeded it; and men who had been ready enough in 1831 to stand apart and see Poland crushed doubted in 1833 the wisdom of non-interference. Cutlar Fergusson was encouraged by the marked alteration in the public feeling to bring the woes of the Poles again before the House. In July 1833 he moved an address praying his Majesty not to recognise or in any way give the sanction of his Government 'to the present political state and condition of Poland.'[1] Palmerston declared that the British Government had formally expressed its dissent from the arrangements established by Russia, and had denied the right of Russia to make the changes in Poland which she had effected.[2] Was it possible to do more without declaring war, and was it advisable to spend the blood and treasure of the country in a war for Poland?[3] Eight months afterwards, Colonel Evans, the member for Rye, urged that a sum of money should be granted for the relief of the Polish exiles in England, to show 'the rest of Europe that we were not under the influence of the Cabinet of St. Petersburg.'[4] The 'rest of Europe,' if it took the trouble to read the debate, could not entertain much doubt on the subject. Perhaps more violent language had never been applied in a representative assembly to the sovereign of a great European country. O'Connell called Nicholas the brutal and sanguinary despot of St. Petersburg. Attwood styled him 'the monster Nicholas—for no gentleman could call him by a milder epithet.' He complained that Palmerston had 'apologised to the brute that kicked his country;' he declared that England 'could at one blow crush the bully to dust.'[5] The feeling thus aroused was so strong that, later in the session,

Further debates on Poland in Parliament.

[1] *Hansard*, vol. xix. p. 395.
[2] *Ibid.*, p. 440.
[3] Fergusson divided 95 to 177. *Hansard*, vol. xix. p. 463.
[4] *Ibid.*, vol. xxii. pp. 651, 653.
[5] *Ibid.*, pp. 657, 658, 659.

the Ministry was compelled to give way and grant a sum of 10,000*l.* for the relief of the Polish exiles.[1]

In the meanwhile a chain of circumstances was directing the attention of statesmen to another part of Europe. In a diplomatic sense Palmerston resembled Talleyrand. Talleyrand usually confined himself to the practicable; he always endeavoured to concentrate his energies on one thing at a time. In the same way Palmerston endeavoured to confine his interference to those places which it was easy for a British expedition to reach. He shrank from the Quixotic enterprise of a march to Warsaw. He saw nothing either Quixotic or impracticable in sending a fleet to the Tagus or the Scheldt. Portugal.

Dom Miguel still retained the throne which he had seized in Portugal. But the cruelties which he was in the daily habit of perpetrating estranged the affections of his subjects. The prisons of Lisbon were crowded with political offenders; delicate women 'were compelled to herd with the meanest malefactors;' and 'all the men of rank who were friendly to free government had either died on the scaffold, or had been incarcerated, or had been driven into exile and poverty.'[2] The Tory Government of Wellington had every desire to recognise Dom Miguel. He was king; and Wellington was always disposed to acknowledge a *de facto* sovereign. Yet even Wellington and Aberdeen shrank from recognising the atrocious tyrant. An amnesty, they thought, should at any rate precede their recognition of the usurper; and Dom Miguel was accordingly induced to promise an amnesty. Delighted with this promise, the Ministry inserted a paragraph in the King's Speech in the autumn of 1830, declaring that 'the time may shortly arrive Dom Miguel's cruelties.

[1] *Hansard*, vol. xxiv. p. 341. The sum was annually continued, and pressure was used in 1838 to increase the amount. *Ibid.*, vol. xliv. p. 729.

[2] The words are Lord Grey's. *Hansard*, vol. xv. p. 119.

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when the interests of Britain would demand a renewal of diplomatic intercourse with Portugal.[1]

The fair promise was speedily disappointed. The Wellington Ministry fell; and Dom Miguel renewed the cruelties which he had probably never intended to suspend.[2] Grey and Palmerston declined, under the circumstances, to recognise the tyrant; but, as complaints were continually reaching the Foreign Office of injuries to British commerce, and of outrages on British subjects, either sanctioned or tolerated by the Portuguese authorities, they decided on sending a Mr. Hoppner as Consul to Lisbon, for the express purpose of energetically demanding redress.[3] Opportunities for making the demand soon arose. Early in February 1831, a Mr. O'Neill, a British merchant and Danish Consul, was arrested without warrant and detained for some hours in custody. On the following morning a party of police entered a rope factory belonging to Mr. Caffary, a British subject, searched the premises, arrested the foreman, beat him in a cruel manner, and carried him off prisoner.[4] On the 22nd of March the house of Mr. Roberts, another British subject, was forcibly entered and searched by the police.[5] Constant complaints were concurrently made that excessive and illegal duties were charged on coals, yarn, and other commodities imported into Lisbon.[6] Little Donna Maria's authority was still recognised in the Azores. Dom Miguel endeavoured to reduce Terceira to submission. The ships of war which he sent out to the islands preyed on the commerce of other nations; and British vessels were illegally seized by them and sent as prizes to Portugal. The 'Ninus,' the 'Velocity,' the 'Margaret,' the 'St. Helena,' were all seized in this way.[7] The 'Ninus' was detained long

Outrages upon British subjects and commerce.

[1] *Hansard*, vol. i. p. 9.
[2] *Ibid.*, vol. xv. p. 119.
[3] *State Papers*, vol. xviii. p. 196.
[4] For his case see *ibid.*, p. 207.
[5] *State Papers*, vol. xviii. p. 230.
[6] *Ibid.*, pp. 215, 221.
[7] *Ibid.*, pp. 201, 203, 225.

after her case had been adjudicated on.. The 'St. Helena' was a packet bearing the King's commission.[1] Conduct of this character was obviously insufferable. On the 15th of April, 1831, Palmerston forwarded to Hoppner a statement of grievances against Portugal. He demanded the dismissal of the captain of the 'Diana,' who had taken the 'St. Helena;' the removal of all the authorities who had ordered or executed the outrages on O'Neill, Roberts, and Caffary's foreman; the payment of full compensation to the owners of all vessels illegally captured; and the public notification of the acts of the Portuguese Government. Hoppner was to allow the Portuguese Government ten days in which to answer the claim. If he failed to receive an affirmative reply within the ten days he was to communicate the fact to the officer commanding his Majesty's squadron in the Tagus, in order that he might carry 'into execution the instructions with which the Lords of the Admiralty have furnished him.'[2]

Palmerston insists on satisfaction.

Hoppner lost no time in carrying out his orders. The Portuguese Government lost no time in complying with the demands of the British Ministry;[3] and the British residents at Lisbon, impressed with a deep sense of gratitude, asked Hoppner to convey to the foot of the throne the humble expression of their grateful acknowledgments.[4] A little firmness on the part of Palmerston, a little pressure on the part of Hoppner, had done all that was necessary. Dom Miguel had received a salutary lesson, and had been compelled, bully as he was, to an ignominious surrender. It would have been fortunate for him if the failure of his policy had taught him prudence in his dealings with other Powers. The French had experienced as much indignity as the British from the hands of the Portuguese. Monsieur Bonhomme, a

French complaints against Portugal.

[1] *State Papers*, vol. xviii. p. 247.
[2] *Ibid.*, p. 248.
[3] *Ibid.*, p. 274.
[4] *Ibid.*, p. 282.

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young student at Coimbra, was charged with indecent conduct in a cathedral church. The charge was supported by insufficient evidence, but Monsieur Bonhomme was convicted, condemned to be publicly whipped through the streets of Lisbon, and to ten years' banishment to Angola. Monsieur Sauvinet, a French merchant 76 years of age, was sentenced to seven years' banishment to Africa, because his servant had sent up a rocket from his garden as a signal—so it was presumed—to some rioters.[1] The French Government desired their Consul at Lisbon 'to demand an immediate and peremptory satisfaction' for these outrages. The demand was refused. The French Consul withdrew from Lisbon; and Dom Miguel's advisers had the incredible folly to order the immediate execution of Monsieur Bonhomme's punishment;[2] and to treat Monsieur Sauvinet with useless and irritating cruelty.[3] Retribution for their intolerable conduct was, however, quickly coming. On the 15th of May a French squadron appeared off the mouth of the Tagus, demanded the immediate liberation of Bonhomme and Sauvinet, the dismissal of the judges who had sentenced Bonhomme, and the payment of compensation to these and other Frenchmen who had been injured.[4] The guns of the French cruisers guarded the mouth of the Tagus. Yet Dom Miguel, with the obstinacy of a Pharaoh, refused to give in. He had the presumption to imagine that the British Government would protect him from French vengeance, and to tell the French that he had referred their claim to England. The British Government, instead of attending to his application, advised the Portuguese to satisfy the French without delay.[5]

A French squadron in the Tagus.

[1] *State Papers*, vol. xviii. p. 343.

[2] *Ibid.*, p. 348.

[3] 'His food is carried to him in a bowl by a galley-slave, and thrust before him on the ground as if he were a dog; he is allowed neither knife nor fork to eat it.' *Ibid.*, p. 356.

[4] *Ibid.*, pp. 357–366.

[5] The application of the Portuguese

The French squadron sent out to the Tagus was under the command of Monsieur de Rabaudy. De Rabaudy, receiving no satisfactory answer to the demands which he was instructed to make, commenced hostilities by capturing any Portuguese vessels which he found off the Tagus. Eleven captures were made before the end of May; but Dom Miguel hardened his heart, and, ordering his ships of war to be prepared for sea, refused the satisfaction which was claimed from him.[1] Throughout the whole of June the French squadron, gradually reinforced, continued their captures, declaring through the prisoners whom they liberated that they made war against Dom Miguel, and not against the Portuguese nation. But Dom Miguel still hardened his heart, treated Bonhomme and Sauvinet with increased brutality, and refused the satisfaction which was claimed of him.[2] On the 1st of July a Portuguese vessel, chased by the French cruisers, ran under the guns of a Portuguese fort. The fort opened fire on the French ships; the fire was returned; the fort was silenced, and thirty Portuguese soldiers killed and wounded. But Dom Miguel still refused to release his prisoners, or to submit to the French claims. On the 6th of July the French vessels under the command of Admiral Roussin, who had succeeded Monsieur de Rabaudy, took up a position in the mouth of the Tagus. On the 9th of July Roussin again repeated the demands of his Government. Dom Miguel, at last aroused to his position, consented to release Sauvinet and Bonhomme. But he still refused compliance with the other demands of France. On the morning of the 11th Roussin ordered his ships to move up the Tagus. The vessels of Dom Miguel surrendered to him without firing a shot; a de-

The Portuguese fleet captured by the French.

Government, dated London, June 1, will be found in *State Papers*, vol. xviii. p. 363; and Palmerston's reply in *ibid.*, p. 378. Cf. *Palmerston*, vol. ii. p. 87.

[1] *State Papers*, vol. xvii. p. 364.

[2] *Ibid.*, p. 385.

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sultory cannonade from the Portuguese forts inflicted no loss on the French vessels; and Dom Miguel found it necessary to comply with all the French demands.[1]

Some enthusiasm was excited in France by the news of the French success. But the account of it was received with very different feelings in England. The Tories roundly declared that it was the duty of England to fly to the defence of her ancient ally; the Duke of Wellington confessed that he felt his cheeks tinge with shame when he heard that the tricolour flag floated under the walls of Lisbon.[2] The charge was only significant from the crushing reply which it received from Palmerston and Mackintosh. 'It would have been the height of injustice,' said Palmerston, 'if we had turned round on France and said, "You shall get no reparation for your injured subjects; we are lords paramount of Europe; we have a peculiar right to compel Portugal to satisfy us, and to prevent her from satisfying anyone else; we consider Portugal as part of the dominions of England—we will allow her to insult all the rest of Europe but ourselves; and, if you think of obtaining redress for your wrongs, you must prepare to meet an English fleet upon the ocean, and an English army in the field."'[3] 'As respected the treaties which existed between this country and Portugal,' said Mackintosh, in words which are applicable to every guarantee, 'he was willing to admit that this country was bound to observe them. But could any man suppose that we were bound to support Portugal through any unjust

Opinion in England.

[1] *State Papers*, vol. xviii. pp. 392–395. *L'Histoire de dix Ans*, vol. ii. p. 369.

[2] *Hansard*, vol. v. p. 320.

[3] *Ibid.*, vol. x. p. 158. Alison is so determined to make out a case against the Whig Ministry that he omits to mention that the French claim was made quietly before reparation was demanded, 'at the cannon's mouth.' He omits also to say that the British Government had enforced a similar demand previously. This omission is almost inevitable, as he has confused the French and English claims and turned the 'St. Helena' into a French packet-boat. See *Alison*, vol. iv. p. 577.

war in which she might engage? No; on the contrary, the concurrent testimony of all jurists established the principle that faith and justice were bound indissolubly together. Were it otherwise, it would be a league between robbers, and not a defensive treaty between nations.'[1]

Dom Miguel had suffered a severe reverse. His fleet had been captured; his Ministry had been discredited; and he had been forced to compensate the foreigners whom he had punished, and to dismiss the officers who had punished them. Unluckily for Dom Miguel, moreover, a new danger excited his alarms at this particular conjuncture. His only rival for the throne had hitherto been a little girl. In 1831 the cause of Donna Maria was for the first time sustained by the presence in Europe of her father, Dom Pedro. A revolution, which it is unnecessary to describe in a history of England, had driven Pedro from Brazil, and he had arrived in England at the moment when a French fleet was blockading the mouth of the Tagus. The news of his arrival reached Lisbon in July, and excited the hopes of the Constitutionalists, who were indignant at Dom Miguel's conduct. Lisbon seemed ripe for insurrection, and Dom Miguel's advisers had nothing to propose but further cruelties. Persecution, previously confined to the capital, spread throughout Portugal. There was scarcely a town of any consideration where the inhabitants were not molested. In every parish lists were opened of the real or supposed enemies of the predominating system. Persons who had been previously regarded as staunch Loyalists were arrested on the denunciation of their enemies. In a little more than a fortnight a thousand fresh victims were flung into the overcrowded prisons of Lisbon.[2]

The arrival of Dom Pedro in Europe.

Miguel's fresh cruelties.

Cruelties of this kind of course defeated the objects

[1] *Hansard*, vol. x. p. 127.

[2] This account is given in almost the exact words of Mr. Hoppner's report. *State Papers*, vol. xviii. p. 416.

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of their perpetrators. On the 21st of August a regiment of the line quartered in Lisbon mutinied and declared for Dom Pedro. The mutineers were defeated after a sharp engagement; but the mutiny increased the fears of Dom Miguel's friends and drove them into further excesses. As the English and French residents in Lisbon were supposed to be opposed to Miguel's rule, Englishmen and Frenchmen became the subjects of atrocious outrages. Even officers of the British ships of war in the Tagus were attacked by the armed volunteers who were enlisted to support Dom Miguel;[1] and the Portuguese authorities were either unwilling or unable to punish the authors of these attacks. The alarm of the British residents became general; and Captain Markland, who commanded a British squadron in the Tagus, took upon himself to station two of his vessels off threatened quarters of the city. The Portuguese authorities remonstrated with Captain Markland; and Captain Markland told them that, as they either could not or would not protect the British, he would do so himself. They appealed from Captain Markland to the British Foreign Office, and were told by Palmerston that the British Ministry approved Captain Markland's conduct, and had sent, in his support, additional ships of war to the Tagus and the Douro.[2]

Anarchy thus prevailed in Portugal, and, in the meanwhile, Dom Pedro was gradually collecting the means for driving his brother from Donna Maria's throne. The French Government permitted him almost openly to organise an expedition on the shores of France. The British Government declined to detain four vessels laden in the Thames with troops and warlike stores for his equipment.[3] Three thousand British

Dom Pedro obtains help both from France and Britain.

[1] See, *inter alia*, *State Papers*, vol. xviii. pp. 290, 295, 300, 314, 328.

[2] *Ibid.*, pp. 316, 331.

[3] The Ministry said that the vessels were sailing for France, and not for Portugal, and declined to detain them. Denman, speaking as Attorney-General, professed his dislike of the Foreign

subjects enlisted in Dom Pedro's service. An officer in the Royal Navy, Captain Sartorius, accepted the command of his fleet, and two other naval officers held commands, under feigned names, under Sartorius. Captain Sartorius' name was removed from the Navy List; but the Government professed ignorance of the other British officers who were assisting Dom Pedro.[1]

The expedition which Dom Pedro had thus organised assembled at Belleisle, a little island near the mouth of the Loire, in December 1831. From Belleisle it proceeded to Terceira, the solitary place which still owned the authority of Donna Maria. Before sailing Pedro issued a manifesto announcing his assumption of the authority of Regent of Portugal.[2] Some months elapsed before he was prepared to hazard a descent on the coast of Portugal. At last, on the 8th of July, 1832, his fleet appeared off the Douro. The troops disembarked and advanced on Oporto; the small force which Dom Miguel retained in the neighbourhood fell back upon Lisbon. Without loss, without fighting, Dom Pedro obtained possession of the second city in the kingdom.

His descent upon Portugal.

For some months Dom Pedro remained at Oporto. The troops of Dom Miguel failed to drive him from the town; his own troops failed to obtain any decisive advantage. In this country the Tories had always leaned favourably towards the cause of Dom Miguel. His doubtful title and his brutal conduct had not estranged them from it; they blamed the Whig Ministry for permitting British subjects to enlist in Dom Pedro's service, and they urged it to terminate the contest by recognising Dom Miguel.[3] On the 1st

Enlistment Act, and his doubt as to the propriety of enforcing it. *Hansard*, vol. x. p. 180. Cf. *ibid.*, pp. 168–174. Grey, some months afterwards, declared the Act an impolitic measure. *Ibid.*, vol. xv. p. 120.

[1] *Ibid.*, vol. xi. pp. 894.

[2] *State Papers*, vol. xix. p. 1372.

[3] See Peel's speech, February 7, 1833. *Hansard*, vol. xv. pp. 381, 382.

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of June, 1833, Wellington moved an address to the throne pledging the House to a policy of neutrality. He carried his motion by 79 votes to 69.[1] For a few hours the existence of the Grey Administration was imperilled by this division. William IV., however, was induced to write a strong letter to the Archbishop of Canterbury remonstrating with the Bishops for the votes which they had given against the Ministry.[2] The House of Commons expressed their grateful recognition[3] of the judicious policy of the Cabinet. Nobody out of the House of Lords, as Macaulay laughingly put it, cared 'either for Dom Pedro or Dom Miguel.'[4] He might have added that nobody in 1833, except a few Tories, cared for the House of Lords.

The House of Lords carry an address for neutrality in Portugal.

Wellington's motion proved abortive. At the moment at which it was made events were in progress which made Dom Miguel's cause hopeless. For nearly two years Sartorius had commanded Dom Pedro's fleet. He had effected nothing. Arrears of pay were due to his men; they mutinied; and Sartorius threatened to confiscate the fleet, and thus obtain payment for the crews.[5] Fortunately Dom Pedro was able to collect money enough to satisfy Sartorius. The command of the fleet was given to Charles Napier, a captain in the British navy. A cautious temperament had condemned Sartorius to inaction. Action was Napier's motto. On the 2nd of July he found Miguel's fleet off Cape St. Vincent. Closing at once with it, he succeeded in capturing every vessel of which it was composed. Nelson himself had never won a more complete victory.

Napier takes the whole of Miguel's fleet.

Napier had virtually settled the Portuguese question. Dom Pedro, master of the sea, decided on blockading every port in Portugal. The British Government, not-

[1] *Hansard*, vol. xviii. p. 298.
[2] *Brougham*, vol. iii. p. 275; and cf. *Greville*, vol. ii. p. 376.
[3] By a majority of 366 votes to 98. *Hansard*, vol. xviii. p. 391.
[4] *Macaulay*, vol. i. p. 296.
[5] *Palmerston*, vol. ii. p. 153, note.

withstanding the protests of the Tories,[1] recognised the blockade. Lisbon was evacuated. Donna Maria was proclaimed Queen; and peace seemed again possible. Unfortunately, in the same year in which Donna Maria regained her crown an event occurred in Spain which let loose once more the dogs of war on the Spanish peninsula. Ferdinand, the Bourbon, died at the end of September. His life had been one continuous evil to his subjects; his death inflicted on them the curse of a disputed succession. By the old law of Spain females succeeded to the throne in default of direct male heirs. In 1713 Philip V. issued a Pragmatic Sanction, or ordinance, limiting the succession of females to those cases where there was no direct or collateral male heir. In 1789 Charles IV. repealed the Pragmatic, and restored the old Spanish law, but did not publish the repeal. On the 29th of March, 1830, Ferdinand published the repeal. The crown of Spain was thus, like the crown of Britain, to descend to the male heir; and in default of a direct male heir to the female.[2]

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The death of Ferdinand of Spain.

In 1830, when Charles IV.'s Pragmatic was made public, Ferdinand had neither son nor daughter; and his brother, Don Carlos, was, therefore, indisputably heir to the throne. The publication of the very singular decree[3] by which Charles IV. had reverted to the old

[1] *Hansard*, vol. xx. pp. 96–113. *Greville*, vol. iii. p. 9.

[2] These events are described carefully in *Guizot*, vol. iv. pp. 54–57. Cf. *L'Histoire de dix Ans*, vol. ii. p. 17; and *State Papers*, vol. xviii. p. 1365.

[3] The decree is one of the most singular documents in which autocracy has maintained its divine rights. 'Priority of birthright'—so it ran—'is an eminent mark of the love which God shows, in respect to the sons of kings, towards him to whom such priority is granted; for to him, to whom it pleaseth God to do this honour, he gives clearly to know that he placeth him above the others, in order that they should respect him as a father and lord . . . . for, as He said unto Moses, in the Old Testament, "Every male that openeth the womb shall be called Holy of God." . . . . Although fathers, having compassion usually on their other children, have never willed that the eldest son should possess all, nevertheless, wise and sagacious men, having an eye to the common good of all, and knowing that this partition could not be made in kingdoms without destruction ensuing, according to what our Lord

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Spanish law, seemed of no significance. Its significance, however, soon afterwards became clear enough. Ferdinand had been four times married. His first wife was his cousin, Maria, a daughter of Ferdinand IV. of Naples; Maria died in 1806, and for ten years her husband remained a widower. In 1816 he married his second wife, Isabella, the daughter of John VI. of Portugal. Isabella was his sister's daughter; her sister was his brother's wife. Poor Isabella, niece and wife, died in childbirth in 1818; and her husband married a third wife, Maria of Saxony. Maria died in 1829; and the disconsolate sovereign consoled himself for her loss by taking a fourth wife. His fourth wife, Maria Christina, was the daughter of Francis, King of the Two Sicilies. Her mother was Ferdinand's sister. The new queen, on her father's side, was niece to Ferdinand's first wife; and on her mother's side she was Ferdinand's own niece. It may be hoped that the sins of autocrats are not visited on the suffering people cursed with their misgovernment. But nothing but evil could be expected from the disgusting marriages of Ferdinand of Spain.

His marriages.

His daughters.

Poor Christina, married to her old uncle, presented her husband with two daughters. Their birth gave importance to the publication of the Pragmatic of 1789. By the Pragmatic of 1713 Don Carlos was heir to the throne; by the Pragmatic of 1789 Isabella, the eldest of Christina's little children, was heir to it. Don Carlos did not, naturally, tolerate with composure the news of his own supersession. The Church party were vehement supporters of Don Carlos. The importunity of his brother, backed by the influence of the Church, pre-

Jesus Christ said, "that every kingdom being divided shall be torn to pieces," have held as a right that the eldest son alone should possess the lordship of the kingdom on the death of his father,' &c. &c. It is difficult to believe that blasphemous nonsense of this kind could have had any weight, even in Spain, in the eighteenth century. See *State Papers*, vol. xviii. p. 1365. The proceedings of the Cortes in 1789 will be found in *ibid.*, vol. xxii. p. 1394.

vailed; and in 1832 Ferdinand, who was supposed to be on the point of death,[1] revoked the Pragmatic of 1789. All the arguments, carefully drawn from the Bible, and published in 1830, in proof that priority of birthright is an eminent mark of the love of God, were forgotten in 1832, and Don Carlos became heir to the throne. If Ferdinand had only died Spain even then might possibly have been spared some of the miseries resulting from a war of succession. But Ferdinand disappointed all the expectations of his friends by getting a little better. Christina recovered her influence with her husband; Don Zea Bermudez, who was opposed to the succession of Don Carlos, became Prime Minister; the Pragmatic of Charles IV. was again restored; and Isabella made once more heir to the throne.

The succession to the throne.

Ferdinand lived for a year after these events. On the 29th of September, 1833, the weak, cruel, worthless autocrat died. Christina at once assumed the Government in her daughter's name.[2] Almost immediately afterwards Don Carlos claimed the throne. The moment was critical. Miguel's fleet had been defeated in the previous July. Affairs were going ill with Miguel himself. His troops, forced to abandon Lisbon, were falling back upon Spain. Miguel and Carlos, united by marriage, by circumstances, and by opinions, relied upon each other. All Europe understood that the cause of autocracy depended on their success; all Europe identified the cause of freedom with Maria and Isabella. France at once recognised Isabella;[3] England followed the example of France.[4] Both nations thus pledged themselves to the moral support of the Queen whose reign was identified with constitutional government.

Don Carlos and Dom Miguel.

Constitutional government, however, had never yet

[1] *L'Histoire de dix Ans*, vol. iv. p. 168.

[2] For her manifesto on doing so see *State Papers*, vol. xx. p. 1296.

[3] *Palmerston*, vol. ii. p. 168.

[4] *State Papers*, vol. xxii. p. 2.

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been fairly tried in the unhappy country over which little Donna Isabella was almost unconsciously reigning; and constitutional government was almost impossible in any country in which Don Zea Bermudez held authority. Bermudez was opposed to Don Carlos; but he had no other connection with the Constitutional party. On the contrary, he sympathised with Miguel, and was anxious to support him against Donna Maria. It was under these circumstances inevitable that he should incur the distrust of all the more prominent politicians in Spain. The Carlists detested him because he supported Isabella; the Constitutionalists disliked his preference for autocratic forms of government.[1] He lost ground, fell, and was succeeded by Don Martinez de la Rosa. This change in the Spanish counsels was productive of very important consequences. Zea had been in favour of Donna Isabella and autocracy. Martinez was in favour of Donna Isabella and a constitution. Zea had hoped for the success of Miguel in Portugal. Martinez was disposed to lend an active support to Donna Maria. Zea had desired to conciliate the Northern Courts.[2] Martinez sought aid from the constitutional governments of Western Europe.

Don Zea Bermudez succeeded by Martinez de la Rosa.

Martinez's policy was soon plain. On the 4th of April, 1834, a decree was issued for the assembly of the Cortes;[3] ten days afterwards the new minister explained the principles on which his Administration was founded in an elaborate despatch to the representatives of Spain in foreign Courts.[4] Before his policy was thus unfolded he had applied to Britain for assistance to remove Don Carlos from the Spanish peninsula. Palmerston met Martinez application with a proposal that Britain, Spain, and Portugal should complete the work which was on the eve of accomplishment, and deliver the

[1] *Palmerston*, vol. ii. pp. 152, 153.
[2] *Guizot*, vol. iv. p. 66.
[3] *State Papers*, vol. xxii. p. 1085.
[4] *Ibid.*, p. 1100.

Peninsula from the two pretenders. Talleyrand, vexed at his own exclusion from the arrangement, was pacified by France being made a party to the treaty.[1] The British Cabinet, taken by surprise, approved the stipulations to which Palmerston had committed it;[2] and on the 22nd of April, 1834, the treaty, which has ever since been known as the Quadruple Alliance, was signed.[3]

The Quadruple Treaty signed in London.

No time was lost in carrying out the provisions of the treaty. Miguel and Carlos were at Evora, on the south-east of Portugal. Miguel had the good sense to see that the conclusion of the alliance made his cause hopeless. He accordingly agreed to leave the country which his presence was distracting with civil war. On the 30th of May he left Evora, embarked at the port of Sines, and sailed for Genoa. Miguel's submission made Carlos's position impossible. He was forced to accept the conditions which were offered to him, to embark on a British man-of-war, and to be taken to Portsmouth.[4] The whole of the Peninsula was thus freed from the horrors of civil war, and the constitutional authority of Maria and Isabella was apparently established.

Constitutional government restored in Spain and Portugal.

This result was by no means satisfactory to the autocratic Powers. The Court of Russia especially became gradually estranged from the country which had promoted the separation of Belgium from Holland, which had permitted the French occupation of Ancona, which had protested against the treatment of the Poles, and which had been the means of restoring constitutional government to Lisbon and Madrid. The annoyance which was felt by Russia was shared by the Tories in this country. There was something wearisome—so the Tories thought—in the constant repetition of the state-

The annoyance of the Tory party at the French alliance.

[1] *Guizot*, vol. iv. p. 87.
[2] *Palmerston*, vol. ii. p. 180.
[3] *State Papers*, vol. xxii. p. 124. Cf. *L'Histoire de dix Ans*, vol. iv. p. 297.
[4] *State Papers*, vol. xxii. p. 1339. *Ann. Reg.*, 1834, Chron., p. 84.

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ment that France and England were agreed; and that the French alliance compensated the British for the alienation of the Northern Powers. Old-fashioned Tories still regarded the French as their hereditary enemies; they could not understand an alliance which was opposed to centuries of tradition. The King participated in the feelings of the Tories. He hated the French; and, though in public he was usually able to conceal his dislike, he was unable, on less formal occasions, to restrain his opinions. Throughout the whole of his life he was in the habit of making little after-dinner speeches to his immediate friends. These off-hand declarations, made when wine had been freely drunk, revealed the king's true feelings much more accurately than the formal addresses which were penned by his ministers, or the formal letters which were penned by his private secretary. In September 1833 the King made one of these speeches to a regiment quartered at Windsor. He praised them for their prowess in the Peninsula; he praised them for their victories over France; and he expressed a hope that 'if ever they had to draw their swords it would be against the French, the natural enemies of England.'[1] It would have been difficult for him to have made a more unfortunate speech. At that moment his ministers, in concert with France, were preparing intervention in Belgium; in concert with France, they were watching, with anxiety, the course of events in the Peninsula. The future, in every part of Europe, depended on French co-operation; when William IV. chose to fling an offensive challenge to France.

The annoyance of the King at the French alliance.

Happily, however, the new alliance between France and England did not depend on the opinions of their kings. French and English were approaching one an-

[1] *Brougham*, vol. iii. p. 306. Cf. *Greville*, vol. iii. p. 33.

other because they alone among the nations of the Continent sympathised with the feelings of oppressed nationalities, and desired to resist the autocrats of the North. Thus every new step taken by autocracy cemented their alliance; every new victory won by the people gave them a fresh reason for maintaining it. Dynastic considerations, affecting the houses of Bourbon and Hanover, had plunged France and England into a century of rivalry in war. National interests, affecting whole peoples, had induced them to forget their quarrel and to take up arms in a common cause.

Success had accompanied the new policy; and Palmerston was naturally delighted with his success. 'Nothing,' so he wrote to his brother, 'ever did so well as the Quadruple Treaty: it has ended a war which might otherwise have lasted months. Miguel, when he surrendered, had with him from twelve to sixteen thousand men, with whom he could have marched into Spain; forty-five pieces of artillery, and twelve hundred cavalry. . . . . But the moral effect of the treaty cowed them all —general, officers, and men; and that army succumbed without firing a shot. Carlos is come to London, and will remain here.' His 'case is now desperate.'[1] His case was hardly as desperate as Palmerston thought. Within fifteen days of his disembarkation in England Carlos left London, crossed the Channel, and, passing through Paris, raised his standard in Navarre.[2] The second scene in the new Spanish war began almost before the first scene had been concluded. The signatories to the Quadruple Alliance were naturally annoyed at the unexpected events which had renewed the civil war. They hastily met together and agreed to some additional provisions intended to meet the unexpected circum-

Don Carlos returns to Spain.

[1] *Palmerston*, vol. ii. p. 197.

[2] *Guizot*, vol. iv. p. 94. He left England during the interregnum between the resignation of Grey and the formation of the Melbourne Ministry. *Raikes*, vol. i. p. 264.

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stances France, on her part, engaged to take measures to prevent any succours of arms, men, or stores being sent to the insurgents. Britain engaged to furnish Spain with arms, stores, and, if necessary, with ships of war; while Portugal undertook to co-operate with her allies to the best of her ability. It was hoped that these provisions would prove as successful as the treaty of the previous April, and terminate the new insurrection which was already spreading in the North of Spain.[1]

Fresh articles added to the Quadruple Treaty.

These expectations were doomed to disappointment. The success of insurrections frequently depends on the capacity of a single man; and the insurgents found in Zumalacarregui a leader who defied the best efforts of the Constitutional troops. Zumalacarregui held his ground against Rodil, Mina, and Valdez, the successive commanders of the Constitutionalists. The generals on either side, failing to achieve any decisive successes, indulged in savage reprisals. Mina threatened with death any person who was found abroad after nightfall. Zumalacarregui retaliated by ordering all his prisoners to be shot. Civilised nations were shocked at a warfare whose incidents reminded them of ancient history; and good people enquired whether nothing could be done to stop the bloodshedding. During his short tenure of the Foreign Office, Wellington determined to make one effort to stay the spread of ferocity. Two Englishmen—Lord Eliot, the eldest son of Lord St. Germans, and Lieut.-Colonel Gurwood, whose name is chiefly recollected as the editor of the earlier series of the Wellington Despatches—were sent to Spain; and succeeded in effecting an agreement between the commanders of the two armies. The agreement was signed by Valdez, at Logrono, on the 27th of April, 1835. It was signed on the following day by Zumalacarregui at Asarta. It

The cruelties of the war.

The Logrono convention.

[1] *State Papers*, vol. xxii. p. 134. Cf. *Guizot*, vol. iv. p. 105.

pledged the commanders to preserve the lives of all prisoners taken on either side; to exchange them two or three times in each month; to abstain from sentencing any person to death on political grounds without a previous trial; and to respect the sick and wounded found in hospitals, houses, and villages.[1] The war, it was thus proposed, should be deprived of some of its worst features; and conducted, in future, on the principles in force among civilised communities.

These humane arrangements were not popular. The Radicals in England complained that the mission was calculated to promote the success of Don Carlos's insurrection.[2] The Opposition in Spain objected to any treaty with rebels against their sovereign. Martinez, foiled in his efforts to subdue the Carlists, and quailing before the cries with which he was assailed in the streets, decided on a new line of policy, and on soliciting the aid of foreign Powers.[3] On the 17th of May, 1835, he decided on asking for the co-operation of France and Britain. The most effectual assistance could be given by France, and the most pressing demand was accordingly addressed to Paris. The French Ministry was not, however, agreed on the policy of intervention. The presence of a French army in Spain would, it was certain, be unpopular in England; and all those, therefore, who desired to remain on good terms with England objected to interfere.[4] Intervention, moreover, it was obvious, had not solely been demanded in consequence of the operations of the Carlists; it had been only required when the opposition to Martinez' Government became formidable. An allied force operating in Biscay might have the effect of terminating a civil war; but it would also have the undoubted effect of keeping Martinez in power.

Intervention refused by France and Britain.

[1] *State Papers*, vol. xxiii. p. 912.
[2] *Hansard*, vol. xxvii. p. 837; and vol. xxviii. p. 905.
[3] Guizot's *Mémoires*, vol. iv. p. 108.
[4] *Ibid.*, pp. 109, 411.

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The British Government shared these scruples. Palmerston, however, while declining direct help, desired to give indirect aid to Isabella. He suggested, therefore, that a corps of 10,000 British troops might be enlisted in the United Kingdom for service in Spain; that a special Order in Council might be issued authorising their enrolment; that officers in the British service might be permitted to join the force; and that arms might be issued to it from British arsenals. The Foreign Enlistment Act only applied to those persons who enlisted in a foreign army without the leave or license of the Crown; the Foreign Enlistment Act, therefore, did not apply to a force enlisted with the King's permission. One of the Six Acts, however, had prohibited the training of any new military force; and it was consequently necessary that the men, as fast as they were raised, should be conveyed to Spain. These arrangements were easily concluded. An Order in Council was issued authorising 'any persons to engage during the next two years in the military and naval service of Her Majesty Isabella II., Queen of Spain.' De Lacy Evans, a colonel in the British army, a politician of extreme Radical views, who had wrested the representation of Westminster from Hobhouse, was selected for the command of the force; and recruits were rapidly enlisted and despatched under his orders to the Peninsula.[1]

The British Legion enlisted for service in Spain.

Opinion in Britain on these proceedings.

Opinion, at the time, was almost equally divided on the policy of these measures. The Radicals, on the one side, were enthusiastic in their approval. The raising of the auxiliary force, they argued, was only the logical result of the Quadrilateral Treaty. That treaty was based on the hypothesis that the pacification of the

[1] For the Order in Council see *State Papers*, vol. xxiii. p. 738. For the correspondence preceding it see *ibid.*, p. 947. Col. Humfrey, one of the officers of the force, said that many of the men went out under the impression that they were actually serving the cause of their own Government. See *Hansard*, vol. xliii. p. 814.

Peninsula was required for the peace of Europe. The pacification of the Peninsula was threatened by the presence of Carlos and Miguel in Portugal; and the contracting Powers consequently determined on insisting on their departure. The peace of Europe was again threatened by the return of Carlos to Navarre; and the contracting Powers had, in consequence, allowed England to provide Spain with arms and stores for attacking the usurper. Isabella's Government had proved incapable of ejecting Don Carlos; and the peace of Europe consequently required that some further assistance should be given to Spain.[1] The Tories, on the other hand, strongly objected to the whole proceeding. It was necessary to go back to the seventeenth century for a precedent for it. A proceeding which could only be justified by precedents taken from the reigns of arbitrary monarchs stood, it was insisted, self-condemned. If even it were right to interfere, the mode of interference was the worst which could have been adopted. The policy of the British Government was neither peace nor war. It was peace without tranquillity, war without honour.[2] The Government had assumed the responsibility of sanctioning the auxiliary force; yet it had no control over its proceedings. The force itself was large enough to attract notice, and too small to ensure success;[3] a half-pay officer with a seat in Parliament was the last person who should have been selected for the command of it. It was even doubtful whether the treaty which Eliot and Gurwood had concluded would apply to an expeditionary force under the semi-independent command of a British half-pay officer.[4]

[1] *Hansard*, vol. xxviii. p. 1153.

[2] *Ibid.*, vol. xxxvii. p. 223.

[3] Somebody asked Wellington what Sir De Lacy Evans at St. Sebastian would produce. 'Probably two volumes octavo,' was the Duke's answer. Gleig's *Life of Wellington*, vol. iv. p. 51.

[4] *Hansard*, vol. xxviii. pp. 1133-1180.

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While these debates were taking place in Parliament results were succeeding each other with startling rapidity in Spain. Zumalacarregui, wounded in an attack on Bilboa, died on the 25th of June. His death relieved the Queen's forces of their most formidable adversary at the very moment at which they were strengthened by the arrival of the British auxiliary force. Evans' levies, however, did not prove very efficient auxiliaries; they were imperfectly equipped, they were imperfectly drilled, and they were discouraged by a proclamation, issued by Don Carlos, that he would shoot all foreigners in Isabella's service.[1] Don Carlos' proclamation was so brutal that the British Government affected, in the first instance, to treat it as a forgery.[2] Unfortunately, the document was only too true. Don Carlos himself had the assurance to tell a British officer despatched to him on the subject of it that he considered the foreign troops were 'dehors de la convention.'[3] A brutal massacre of their prisoners by Carlists led to retaliations on the part of the population of Barcelona. Even women who had the misfortune to be related to the combatants were seized and shot;[4] and civilised Europe shuddered at stories of bloodshedding which would have disgraced the darkest periods of the previous century.

Bloodshed did not advance matters. Don Carlos held his own in the North of Spain; and all the Queen's forces were unable to dislodge him. The political state of Spain hampered the efforts of Isabella's troops. No Ministry seemed capable of standing. Don Zea de Bermudez had been succeeded by Martinez de la Rosa. Martinez de la Rosa fell in the spring of 1835, and was succeeded by Torreno; and Torreno, after three months'

Politics in Spain.

[1] *Hansard*, vol. xxix. p. 169.
[2] *Ibid.*, pp. 170, 223.
[3] *State Papers*, vol. xxiv. p. 400.
[4] *State Papers*, vol. xxiv. pp. 403, 405. Cf. *Hansard*, vol. xxxi. pp. 312, 952; and vol. xxxii. 387.

tenure of office, was replaced by Mendizabal. Torreno, the chief of the shortlived Ministry which succeeded Martinez, was the head of the Moderados, the Moderate party. Mendizabal was the hope of the Progressists, or the Democratic party. Torreno, who had resided much in France, favoured French opinions; and Mendizabal, who had made a fortune in London, looked to England for assistance.[1] Torreno, acting on French ideas, was in favour of what the French would have called a Government of Resistance; while Mendizabal, basing his policy on the example of the Whig Ministry in Britain, pursued a policy of conciliation. France and England, which had hitherto pursued the same course, thus became identified with opposite interests. The Moderados depended on one country, the Progressists on the other.

Torreno and Mendizabal.

The divergence between the two countries was, unfortunately, increased by a personal quarrel. Talleyrand, mindful in his old age of the great affairs in which he had played a prominent part, expected to be treated with unusual deference; and Palmerston habitually received him with the easy manners which regulated his intercourse with all the ambassadors. He even kept the veteran diplomatist waiting in his antechamber.[2] Talleyrand would probably have forgiven a more serious insult; he could neither forget nor forgive the neglect of the Foreign Minister. Returning soon afterwards from his mission, he repeated to Louis Philippe all the stories of Palmerston's flippancy which were rankling in his own bosom; and he induced the King to regard the British Foreign Minister with the feelings which he himself entertained. These considerations gradually produced a change in the policy of France; and the French, instead of supporting the principles of

Gradual estrangement of France from England.

[1] Bulwer's *Palmerston*, vol. ii. p. 222–234.

[2] *L'Histoire de dix Ans*, vol. v. p. 32.

CHAP. XVI. 1837.

the Quadruple Alliance, showed an increasing disposition to sympathise with the Carlists.[1]

The policy of France, moreover, was complicated by the embarrassments of its own Ministry. The Government of October 1832 had endured for four years. Soult, Gérard, De Broglie, and Mortier had successively occupied the first place in the Cabinet; but Soult, Gérard, De Broglie, and Mortier had merely been the nominal chieftains who had enabled Thiers and Guizot to serve in the same Government. Throughout the whole of the period it was evident that these two statesmen were keen rivals; the Spanish question converted them into keen opponents. Thiers, who sympathised with Mendizabal, was anxious to interfere; Guizot, who preferred the policy of Torreno, refused interference. Louis Philippe's own influence seconded Guizot's advice, and Thiers was compelled to give way. The breach which was thus made in the Ministry was subsequently widened. In the following January the Cabinet broke up on a financial question of only secondary importance. De Broglie and Guizot retired; and the King entrusted Thiers with the task of forming a Government. The formation of the new Ministry again suggested the possibility of intervention. Palmerston formally proposed that the French should march a *corps d'armée* into the Basque Provinces, and that the British should take possession of St. Sebastian and the neighbouring harbour of Passages.[2] Thiers, however, did not venture, as Prime Minister, on carrying out the policy which he had advocated in the previous summer. Louis Philippe was strenuously opposed to it. Metternich was using smooth phrases to detach the new minister from the English alliance; and Thiers, hesitating to offend his King and to reject the

Crisis in the French Ministry.

Thiers becomes Prime Minister.

[1] *Palmerston*, vol. ii. pp. 236-240. vol. v. p. 34.

[2] *Guizot's Mémoires*, vol. iv. p. 149. *L'Histoire de dix Ans.*

advances of the Austrian Government, decided on refusing the proffered intervention. His decision increased the breach which had already arisen between France and England, and destroyed the fairest opportunity which had yet occurred of terminating civil war in Spain.

He refuses to intervene.

Palmerston had failed to obtain the co-operation of France; but he did not abandon his own intention of lending aid to the Spanish Constitutionalists. A British squadron was stationed on the Spanish coasts; and its commander, Lord John Hay, was instructed to afford the most active and effective co-operation to the Queen's troops. He was to assist in defending places against the Carlists; in taking places from them; he was to aid and protect the operations of the Spanish general, and to convey his troops from place to place.[1] These instructions did not immediately affect the operations of the war. The continued ill-success of Isabella's arms produced discontent; and discontent, culminating in fresh disorders, led to the fall of Mendizabal, and the rise of Isturitz, a Moderado. His accession to power produced fresh disorders. The Republicans proclaimed the Constitution of 1812; murdered Quesada, the Captain-General of Seville, who had succeeded in preserving order in Madrid; and, driving Isturitz from power, replaced him with a Progressist—Calatrava. In the meanwhile the accession of Isturitz to office strengthened the hands of Thiers; and he persuaded Louis Philippe to allow a French contingent on the Spanish frontier to be strengthened and placed under the command of Bugeaud, a general of repute. Louis Philippe, however, alarmed at the murder of Quesada and the proclamation of the Constitution of 1812, almost immediately reverted to his old policy. The auxiliary troops under Bugeaud were withdrawn from the frontier; and Thiers, convinced

Palmerston sends a force to Spain.

The murder of Quesada and proclamation of the Constitution of 1812.

[1] *Hansard*, vol. xxxii. p. 1059; and cf. vol. xxxiii. p. 4.

CHAP. XVI.

1838.

Fall of Thiers on the Spanish question.

(in his own language) that 'rien ne peut amener le Roi à l'intervention, et rien ne peut m'y faire renoncer,'[1] retired from office. He was succeeded by a Ministry under the nominal guidance of Count Molé, but under the virtual influence of Guizot. All ideas of French intervention in Spain were abandoned; and Louis Philippe had the satisfaction of congratulating the Chambers 'd'avoir préservé la France des sacrifices dont on ne saurait mesurer l'étendue, et des conséquences incalculables de toute intervention armée dans les affaires intérieures de la Péninsule.' He had the satisfaction of reminding the Chambers that France 'garde le sang de ses enfans pour sa propre cause.'[2]

France, under the direction of Louis Philippe and Molé, had thus definitely decided to abstain from intervention in Spain. Her interference, however, was gradually becoming less necessary. After the close of 1836 the Carlists displayed symptoms of exhaustion, and the success of the Constitutional cause was assured. This result, indeed, was not due to the British Legion. Its members on most occasions behaved with the valour of Englishmen; they suffered severely in action; they suffered still more severely from disease; they incurred the cold neglect of the Spanish Government, but they effected nothing of importance. In 1837, Evans returned to England; and in 1838, the British Ministry withdrew the Order in Council which had sanctioned the formation of the Legion; and the force was accordingly dissolved.[3]

The dissolution of the British Legion.

[1] *Guizot*, vol. iv. pp. 154, 161. *L'Histoire de dix Ans*, vol. v. pp. 88–104.

[2] *State Papers*, vol. xxiv. p. 394. *Guizot*, vol. iv. p. 166. *L'Histoire de dix Ans;* vol. v. p. 105.

[3] For the conduct of the British Legion see *Hansard*, vol. xxxvii. pp. 1329–1388, 1394–1460; and vol. xxxviii. p. 1; but cf. Evans' defence of it in *ibid.*, vol. xli. p. 823. Out of a force of 9,600 men 2,078 perished in Spain (*ibid.*, p. 830); and it is stated on Colonel Humfrey's authority that 80 officers and 800 men were killed and wounded in one action. (*Ibid.*, vol. xliii. p. 827, note.) The members of it were grossly treated by the Spanish Government. (*Ibid.*, 81.) They were only paid by a promise to pay. (*Ibid.*, vol. xlviii. p. 36; and Lord Londonderry's motion on the subject, *ibid.*, vol. xliii. p. 806; and cf. vol. lii. p. 511.)

The dissolution of the British Legion did not arrest the successes which Isabella's troops were gaining. The brutal warfare[1] gradually ceased from the exhaustion of the Carlists. In one sense, this result constituted a fresh triumph for the British ministers. They had again allied themselves with a popular cause; they had encountered in consequence the fierce opposition of their political opponents;[2] and they had succeeded in securing the success of their allies. But the triumph, which they had achieved in Spain, was very different from the success which they had won in Belgium and Portugal. In Belgium they had succeeded in establishing the rule of Leopold without separating themselves irremediably from any of the great Continental Powers; in Portugal they had succeeded in establishing the rule of Donna Maria in opposition to the views of the autocrats of Northern Europe. But, in Spain, years of warfare, years of bloodshed, years of disorder, had resulted from their policy; and the cordial understanding with France, which had been the chief feature of Palmerston's foreign policy, had been replaced by cold distrust and divided action. From 1830 to 1835 Britain and France had acted on every great European question together. From 1835 each country often acted independently of the other.

Growing coldness between Britain and France.

The ill-success of the Legion made it unpopular in England; and, in April 1837, Hardinge endeavoured to induce the House of Commons to advise the Crown not to renew the Order in Council sanctioning its enrolment. He was beaten by 278 votes to 242. (*Ibid.*, vol. xxxvii. p. 1329; and vol. xxxviii. p. 120.) But there can be little doubt that this debate prepared the road for the withdrawal of the Order in 1838. The Ministry endeavoured to cover its ill-success by making Evans a K.C.B.—a proceeding which was loudly questioned. (*Ibid.*, vol. xli. p. 56.) It may be added that Palmerston's intervention cost this country 616,000*l.* in stores, &c. (*Ibid.*, vol. lii. p. 553.)

[1] The war continued to be conducted with the utmost brutality; and Palmerston, stimulated probably by Parliamentary criticism, in November 1838 appealed to Austria, Prussia, and Russia to use their influence with the Carlists to stop the massacres. *State Papers*, vol. xxvii. pp. 1095, 1117. Metternich seems to have done his best to stop them. *Ibid.* p. 1136.

[2] *Hansard*, vol. xxxv. p. 946; and vol. xxxvii. p. 223; where all the arguments of the Conservatives will be found carefully stated by Lord Mahon.

CHAP. XVI. 1838.

The defection of France was the more serious because Britain was in need of a powerful ally. During the whole period of Palmerston's tenure of office Russia had either directly or indirectly opposed his policy. Nicholas had sided with Holland; he had sided with Dom Miguel. It was no secret that he sympathised with the cause of Don Carlos. Wherever a crushed and subject population was resisting the autocracy to which brute force had subjected it, there Russia was busily counselling or employing repression. Every rebel against autocracy found in Russia her chief foe; every rebel against freedom looked to Russia for support. There had, indeed, been one conspicuous instance in which Russia had sided with revolt, and had been instrumental in securing the independence of a free people. But even her warmest admirers admitted that, in that instance, she had not interfered to win freedom for the Greeks, but to effect the humiliation of the Turk. Her hereditary hatred of the Turk had proved a stronger force than her detestation of freedom.

The attitude of Russia.

The course which Russia had pursued in the East in 1827 won for her the temporary friendship of the Liberal party in England, and the temporary admiration of Palmerston. But Palmerston's opinions soon underwent a remarkable change. He could not help perceiving that Russia repaid his confidence by throwing every obstacle in the way of his policy. In common with the entire Liberal party he was shocked at the horrible cruelties with which the revolt of the Poles was stamped out; in common with all his countrymen he was annoyed at the signature of the treaty of Unkiar Skelessi. He prevailed upon France to join him in protesting against the treaty, and to declare that if its 'stipulations should hereafter lead to the armed interference of Russia in the internal affairs of Turkey,' she would hold herself 'at liberty to act upon such an occasion in

The alteration in Palmerston's views towards Russia.

any manner which the circumstances of the moment may appear to require, equally as if the treaty above-mentioned was not in existence.'[1] He prevailed upon the Government to strengthen the Mediterranean fleet, and to station it off the Dardanelles; and he told his intimate friends that he was anxious to reorganise the Ottoman Empire, and thus enable it to remain in occupation of the road to India.[2]

Fear, distrust, dislike of Russia had impelled Palmerston to adopt the impracticable policy of supporting the Turk. The policy which was thus adopted was opposed to all the traditions of the Whig party, and to the opinions which Palmerston himself had originally formed, and which he was successfully applying to other questions. But the policy, when it was once adopted, was irrevocable. Palmerston was forced forward by a monarch who was inspired with a genuine alarm of Russia,[3] and by a public opinion prepared to quarrel with Nicholas at every pretext. Every day that passed added fuel to the flame which was fiercely burning in Britain. In 1833 the British nation learned the stipulations to which the Turk had agreed in the treaty of Unkiar Skelessi. In 1834 the British people were shocked to find that, by a new treaty concluded at St. Petersburg on the 29th of January, Russia had advanced her frontier towards Kars, and had gained a further strip of territory in Asia.[4] In 1835 they were alarmed at discovering that the formidable Emperor,

The feeling of the public against Russia.

[1] The French protest is published in *State Papers*, vol. xxviii. p. 1290; the English protest in *ibid.*, p. 1292. Nesselrode declared in reply that the treaty was purely defensive; and that the Emperor was resolved to carry it out faithfully, 'comme si la déclaration contenue dans la note n'existait pas.' *Ibid.*, pp. 1292, 1293. William IV., in his memoir, says that France and England declared that they should consider the treaty 'non avenu,' and that Russia replied that she should consider the protest 'non avenu.' *Stockmar*, vol. i. p. 347.

[2] *Palmerston*, vol. ii. pp. 145, 170.

[3] *Melbourne*, vol. ii. p. 144.

[4] For the treaty see *State Papers*, vol. xxvi. p. 1245. For the opinion of Lord D. Stuart on it see *Hansard*, vol. xxxi. p. 617.

CHAP. XVI. 1833–8.

whose advance they were dreading, was publicly displaying his intimate agreement with his brother autocrats of Prussia and Austria. In September of that year Nicholas and Frederick William, attended by large divisions of their troops, met at Kalisch, on the Polish frontier; from Kalisch they proceeded to Toplitz, in Bohemia, where they were joined by Ferdinand of Austria. All Europe understood that it was the object of these meetings to publicly demonstrate the cordial understanding which was established among the autocrats of the North.[1]

An opportunity was soon found which enabled the Northern Powers to avail themselves of their agreement.

Cracow.

The little republic of Cracow bordered on all three of the great military autocracies. It marched upon Russian Poland on the north, upon Prussian Silesia on the west, upon Austrian Galicia on the south. It owed its independence to the singularity of its position. Russia, Prussia, and Austria all coveted the 'little vineyard;' but, as each of them objected to its absorption by the others, they all agreed that it should be constituted an independent republic. The republic throve in happy independence from 1815 to 1831. In 1831 the progress of the rebellion in Poland affected its security. Its inhabitants naturally sympathised with the brave nation which was struggling against its oppressors, and, after the suppression of the revolt, afforded an asylum to many of the Polish exiles. The great autocracies of Europe saw with suspicion and dislike a little republic sheltering rebels against their own authority; and, on the 9th of February, 1836, addressed a joint demand to the President of the republic for the removal of all the refugees within eight days. The demand was imperfectly complied with; and the three Courts ordered the troops of Austria to occupy Cracow. The decision which

Its occupation by Austria.

[1] *Stockmar*, vol. i. p. 351.

was thus taken was opposed to the stipulations of the Treaty of Vienna, which had declared that the city of Cracow, and its territory, should be free, independent, and strictly neutral; and had forbidden the introduction of an armed force into it under any pretence whatever. The only excuse for intervention lay in a portion of the treaty which bound the republic to refuse asylum or protection to deserters from other countries. This stipulation, however, did not justify the high-handed proceedings which had been taken by the autocrats of the North. Palmerston admitted in Parliament that there was no sufficient justification for them.[1] Other persons, free from the responsibility attaching to Palmerston's office, used language distinctly tending to war. Verney, the member for Buckingham, called on the Ministry to obtain permission to send a fleet into the Black Sea; O'Connell declared that 'the three plundering Powers had been guilty of the grossest, most undisguised, and unmitigated violations of treaty.' Inglis offered to assent to a vote of 10,000,000*l.* or 20,000,000*l.* in support of the Poles;[2] and Palmerston, amidst the strong display of feeling which was thus manifested, undertook, a few weeks afterwards, to send a diplomatic agent to the republic of Cracow.[3]

Indignation in Britain.

This concession partly conciliated the numerous opponents of Russia in the House. The Inglises and O'Connells, indeed, would have been glad enough to force the country into hostilities with Russia; but even they could not suggest any practicable method of warfare. France was the only powerful ally which Britain retained; and France was displaying an increasing disposition to withdraw from the Quadruple Treaty, and to connect herself with the despotic Powers of the

[1] *Hansard*, vol. xxxii. p. 418.

[2] *Ibid.*, pp. 420, 421, 423. For the official correspondence respecting Cracow see *State Papers*, vol. xxiv. p. 1352.

[3] *Hansard*, vol. xxxii. p. 1284. The agent was not, however, sent. *Ibid.*, vol. xxxvii. p. 702.

CHAP. XVI.

1833–8.

The attitude of France.

Continent. It has been already stated that the modified policy which France was thus pursuing was warmly promoted by Louis Philippe. His desire to recede from the support of revolutionary principles was probably increased by some brutal attacks on his own life. In the previous July a man named Fieschi had fired an infernal machine at the King, his sons, and his suite. More than forty persons were killed and injured by the terrible explosion. In the following year another fanatic, named Alibaud, deliberately fired at the King in the streets of Paris. The friends of repressive government found their hands strengthened by these brutal outrages. Instead of protesting against the conduct of the three autocrats towards Cracow, France herself demanded the expulsion of political refugees from Switzerland.[1]

France under Louis Philippe was thus leaning towards autocracy and gradually withdrawing herself from the principles and from the objects of the Quadruple Treaty. The British Ministry saw that it could no longer rely on French assistance, and that any action

[1] The correspondence respecting this demand will be found in *State Papers*, vol. xxiv. p. 1049. In February 1834 certain Polish and Italian refugees, resorting to Switzerland from France, crossed into Savoy, and created considerable disturbances. The neighbouring Governments of Austria, Baden, Wirtemberg, and Bavaria, as well as Sardinia, Sicily, and the Germanic Confederation, protested against the conduct of the Swiss, and insisted on the removal of the Poles who had caused the disturbance. These demands led to a very angry correspondence, which was finally terminated by the considerate friendship of Louis Philippe's Government. The French permitted all the exiles to pass through France to the countries which they chose as their destination, and protected and even supported them in their journey. (*State Papers*, vol. xxiv. pp. 929–1048.) In 1836 the same difficulty occurred again. Polish and Italian exiles again repaired to Switzerland; the members of a club known as 'Young Germany' congregated in different parts of the country. The German States again appealed to the Federal Directory to remove these persons; and Switzerland again appealed to France to help her in the matter. (*Ibid.*, pp. 1050, 1051.) The French Government, under Thiers, renewed the offer which it had made in 1834; but it took occasion to repeat the complaints which had already been made by the German Government, and to address a severe lecture to the Federal Directory (p. 1052). These complaints elicited a noble reply from the Federal Directory (*ibid.*, p. 1055); and were the subject of a warm remonstrance in the House of Commons. *Hansard*, vol. xxx. p. 1032.

which it was necessary for it to take it must take alone.[1] In 1835, indeed, it so little expected the possibility of hostilities, that it reduced the permanent staff of the Militia.[2] In 1836 it proposed an addition of 5,000 men to the navy, on the express ground that Russia had fleets at sea which were numerically superior to our own.[3] In 1837 the Radicals were demanding war to avenge the seizure of a British merchant vessel by Russian authorities on the coast of Circassia.[4] Everything was thus pointing to the possibility of a collision between Russia and England. It was obvious that the critical condition of the Ottoman Empire might afford occasion for hostilities at almost any moment. The rule of the Turk was exposed to two dangers. Turkey was slowly dying of its own corruption. It was exposed to the attacks of a vigilant and ambitious vassal. Mehemet Ali had been forced to withdraw his victorious troops from the neighbourhood of Constantinople in 1833; but he had not abandoned his project for asserting his own independence. The Egyptian army had been trained by French officers; the Pacha of Egypt was under French influence; and it was to say the least doubtful whether, in any contest which might arise between the Sultan and his vassal, France would range herself on the side of the Turk against the Egyptian.

Turkey.

A contest was, unfortunately, only too certain.

[1] *Palmerston*, vol. ii. pp. 243, 244, 245.

[2] *Hansard*, vol. xxx. p. 176; but cf. *Greville*, vol. iii. p. 311, where William IV. is alleged to have objected to the reduction, on the express ground that hostilities might arise with Russia.

[3] *Hansard*, vol. xxxi. p. 1231. For a later debate on the Cronstadt fleet see *Hansard*, vol. xxxix. pp. 1093–1111.

[4] The long correspondence on the seizure of the 'Vixen' will be found in *State Papers*, vol. xxvi. p. 2. For the debates on it see, *inter alia*, *Hansard*, vol. xliii. p. 903, where Sir S. Canning moved for a select committee on the case, and was only beaten by 200 votes to 184. (*Ibid.*, p. 959.) It may be added that Mr. Bell, the British merchant who ventured on infringing the Russian blockade, did so on the advice and at the instigation of Mr. Urquhart, the British Secretary at Constantinople; and that Urquhart declared that the steps which he had taken in the matter had been adopted with Palmerston's cognisance. *Ibid.*, p. 937.

CHAP. XVI. 1838.

Mahmoud and Mehemet.

Mahmoud, on the one side, notoriously brooked with ill-concealed impatience the position which Mehemet had acquired in the Levant. Mehemet, on the other hand, openly aspired to convert his pachalic into an independent and hereditary kingdom. Both of them organised their armies, strengthened their forces in Syria, and prepared for the conflict which all Europe saw was inevitable. All Europe, however was interested in postponing the collision. Russia, relying on the treaty of 1833, had little to gain and much to lose from the possibilities of war. Austria and England, intent on maintaining the Ottoman Empire in its integrity, were anxious for peace. Prussia, only indirectly interested in the matter, was disposed to follow languidly the lead of Austria; and France, aware that her sympathies with Egypt were shared by no other Power, naturally desired to postpone a conflict which might reveal her isolation. Postponement, however, was not easy. In the last days of 1837, Colonel Campbell, the British Consul at Alexandria, formally reported to Palmerston the exertions which the Pacha was making to increase his army in Syria. In May 1838 he was able to supplement the report by the announcement, which Mehemet had made to him, that he was resolved to declare himself independent. Palmerston, warmly remonstrating against Mehemet's intention, desired Campbell to tell the Pacha that, in the war which would result from his attempt, the Sultan would probably be joined by all the Powers of Europe, and would, at any rate, receive the active support of Great Britain. Such a war would involve the Pacha and his family in inevitable ruin.[1]

Palmerston stops Mehemet's preparations.

Palmerston's threat stopped Mehemet's action. The Pacha did not, indeed, abandon his idea of independence, but he postponed the execution of it. Instead of

[1] *State Papers*, vol. xxvi. pp. 694–704. *Palmerston*, vol. ii. pp. 267, 419. Cf. *Guizot*, vol. iv. pp. 331–339. *L'Histoire de dix Ans*, vol. v. p. 403.

ordering the advance of his army Mehemet decided on visiting some new gold mines which he had opened in the Sennaar.[1] Gold, he thought, with the reasoning of an Oriental, might help him to settle the dispute; and gold, therefore, was a commodity which it was Mehemet's object to secure. Sennaar, however, did not prove the rich mine which the Pacha had expected, and he returned to Alexandria without gold. On his return he heard from every source that Mahmoud was reinforcing his army on the Syrian frontier, and with natural prudence he at once sent reinforcements to Ibrahim. Turk and Egyptian were thus marshalling their forces on either bank of the Euphrates, and visibly preparing for the contest which, for the time at any rate, was to settle the future of the East.

The Turkish and Egyptian armies.

In the meanwhile the Western Powers of Europe were busily urging Sultan and Pacha to stay their hands. Palmerston was sending instructions to the Consul-General at Egypt, and to the British Ambassador at Constantinople. Campbell, in Alexandria, was faithfully and successfully executing his orders. At Constantinople, however, this country had the misfortune to be represented by a nobleman who was incapable of subordinating his own views to those of his chief. Lord Ponsonby had been recalled from Brussels in 1831, in consequence of his having exceeded the instructions of the London Conference. The brother-in-law of Grey, he was sent first to Naples and afterwards to Constantinople, where he arrived shortly after the conclusion of the treaty of Konieh. He chose to form a strong opinion on the terms of that treaty; and he took no pains to conceal his dislike of the stipulations to which the Porte had been forced to submit. The British minister at Constantinople was thus constantly officially impressing on the Turk the necessity of peace,

Lord Ponsonby at the Porte.

[1] *State Papers*, vol. xxvi. p. 703.

CHAP. XVI. 1839.

while using language which showed that his own convictions were opposed to his official instructions, and that he, at any rate, was in favour of striking one blow for the purpose of overturning the arrangements of 1833. A strong Turkish party shared the secret convictions of the British minister. Palmerston, imperfectly supported by his colleagues, and afraid to quarrel with Grey and his followers, refrained from recalling Ponsonby; and Mahmoud, acting on the obvious opinions of the British Envoy, and rejecting his official assurances, decided on crossing the Euphrates.[1]

The Euphrates, in its course from Armenia to the sea, flows in a westerly direction till it reaches the high range of hills which is known as Mount Taurus on the west, and Mount Ararat on the east. Forcing itself through a gorge in these hills, the river, which has hitherto been approaching the shores of the Mediterranean, bends to the south, and, flowing in a parallel direction with its great tributary the Tigris, ultimately enters the Persian Gulf. The town of Bir stands on the southern slope of the Taurus range, and on the left bank of the river. At this point Hafiz Pacha, the commander of the Turkish army, crossed the Euphrates in April, 1839. Established on the right bank of the stream, Hafiz was within striking distance of the line of communications which Ibrahim maintained with Adana, on the north side of the Gulf of Scanderoon. It seemed impossible for Ibrahim to leave him unmolested. Rumour, anticipating events which seemed inevitable, everywhere declared that hostilities had actually commenced. Ponsonby, who had deluded himself into believing in the superiority of the Turkish arms, declared that 'nobody doubts of war;'[2] and the French Ministry, preparing itself for every contingency, asked for 10,000,000 francs

The Turks cross the Euphrates.

[1] *Guizot*, vol. iv. p. 333. *Palmerston*, vol. ii. p. 323 Cf. *Greville*, vol. iii. p. 405.

[2] Parliamentary Papers, session 1841, vol. xxix. p. 60.

from the French Chambers.[1] War, however, did not immediately occur. The five Powers exerted all their influence at Alexandria to impress moderation on Mehemet. Russia especially ordered her representative to spare neither remonstrances nor threats for the purpose of preventing a conflict; and Mehemet, whose ambition was always controlled by his judgment, agreed even to withdraw Ibrahim's army from Syria, if the five Powers would ensure peace.[2]

A short breathing space had been secured; and statesmen busily endeavoured to employ it in imposing terms on the combatants. The French Government desired that the five Powers should assemble in conference. The Conference, however, would have been compelled, in accordance with one of the Protocols of 1818, to invite the Turk to take part in its deliberations; and it was hopeless to expect that the Porte would ever furnish its Envoy with powers extensive enough to enable the negotiations to move at all. Instead of a Conference the five Powers agreed to address identical demands separately to the Porte. The outline which these demands should assume was easily settled. It was proposed that Mehemet should receive Egypt from the Porte as an hereditary pachalic, and that, in return for this concession, he should abandon the whole or a great part of Syria.[3] In the meanwhile Sir R. Stopford, commanding the British fleet in the Mediterranean, and Admiral Lalande, the commander of the French squadron, were instructed to open communications with both armies, and, if necessary, with Constantinople and Alexandria, for the purpose of securing an armistice.[4] In the event of the Russians entering Turkey—for the remembrances of 1833 still disturbed the counsels of France and England—Stopford and Lalande were to pass the Dardanelles and move up to Constantinople.[5]

The five Powers press for an armistice.

[1] Parliamentary Papers, session 1841, vol. xxix. p. 52.
[2] *Ibid.*, pp. 64, 86. [3] *Ibid.*, p. 149. [4] *Ibid.*, p. 123. [5] *Ibid.* p. 125.

CHAP. XVI.

1839.

France and England again co-operate.

French and English statesmen were delighted at the understanding which they had succeeded in concluding with each other. 'Soult is a jewel,' wrote Lord Palmerston to the British minister at Paris.[1] 'This is not the communication of one Government with another'—so he said about the same time to the French minister at London—'call it rather a bond between colleagues, between members of the same Cabinet.' The unanimity of the two Cabinets had apparently produced every end which was worth obtaining. The flags of France and England waved over their united fleets; and Russia, unable to act alone, followed the lead of the Western Powers. Yet all this while Hafiz Pacha was strengthening the position which he had seized on the right bank of the Bosphorus; Ibrahim was concentrating his troops in front of Aleppo;[2] and obscure skirmishes between the soldiers in the two armies were making peace more and more difficult. At last both sides wearied of the delay which the five Powers imposed on them. On the 9th of June the Porte ordered Hafiz to advance; on the 10th of June Mehemet told Ibrahim that he had no other resource but to march against the Turks and attack them.[3]

The attitude of the Turkish and Egyptian armies.

War, immediate war, was inevitable. At this precise moment an aide-de-camp of Soult's reached Constantinople charged with a personal mission to induce the Porte to stop hostilities. He paid the British minister the compliment of calling on him, and asking him to support his remonstrance. Ponsonby knew the anxiety which England, in common with all Europe, felt for peace; but he excused himself from a task opposed to his own sympathies, by pleading that he had received no special instructions from his employers. The Turks, construing

[1] *Palmerston*, vol. ii. p. 295. Soult became Prime Minister in succession to Molé on the 12th of May, 1839, *Guizot's Mémoires*, p. iv. vol. 308.

[2] Parliamentary Papers, session 1841, vol. xxix. p. 169.

[3] *Ibid.*, pp. 155, 174.

rightly the silence of the British Embassy, were merely enraged by the French demand. The last chance of preserving peace in Syria was thrown away by the British Ambassador at Constantinople.[1]

Ibrahim, in the meanwhile, was complaining to Hafiz that the Turkish troops were violating his territory, and stirring up insurrection around him. Hafiz was using all the dexterity of an Oriental to answer Ibrahim's complaints. Oriental State papers are couched in language which sounds strangely to Western ears. Hafiz prefaced his reply to Ibrahim with one of the most singular prayers ever composed by an Oriental: 'May the good God deign to preserve the body of our august Lord as long as the world shall last; and may he cause his shadow to extend over all his servants and to protect all those who are devoted to him.' The prayer was dated the 9th of June. The 'good God' did not deign to protect the Sultan's devoted servants for above a fortnight. On the 24th of June Hafiz' army, attacked by Ibrahim, was destroyed. Its camp, its guns, its stores were taken; and the soldiers, dispersing over the country, enlisted in thousands in Ibrahim's service.[2] The 'good God' did not deign to protect Hafiz' august Lord for another six days. On the 29th of June the unfortunate Sultan, whom it has been the fashion of English historians to praise, but who was in reality a bloody tyrant, died at Constantinople. It was whispered at the Porte that he was murdered by some of his subjects who were tired of his policy, and who wished to invoke Russian aid in their difficulty. Achmet-Pacha, the Capidan of the Turkish fleet, either believing or pretending to believe the rumour, sailed through the Dardanelles and carried the fleet to Alexandria. Never had pious Mussulman breathed a more unlucky prayer

The Turkish army routed.

The Sultan dies.

The Turkish fleet carried to Egypt.

[1] Parliamentary Papers, session 1841, vol. xxix. p. 184.
[2] The best account of the battle of Nezib is in *ibid.*, p. 242.

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than Hafiz: within a week of it Turkey had lost its army, its fleet, and its Sultan.[1]

Turkey was apparently in its death agony. The new Sultan, Abdul Medjid, was a boy sixteen years old. The new Vizier, Khosrew Pacha, was supposed by many people to be the murderer of Abdul's father. He was the declared enemy of Mehemet Ali: the last man with whom the Pacha of Egypt would like to treat. Negotiation, however, is an art in which all Turks are dexterous. Hafiz' defeat had not been published in Constantinople; it was privately known to Khosrew, but it was possible to pretend ignorance of the disaster. Khosrew hurried off a letter to Mehemet, availing himself of a new reign as a starting-point for a fresh policy. 'The most majestic, most magnificent, and most powerful Sultan'—as he was pleased to term the boy whose army had been destroyed, and whose fleet had deserted him—was willing to forget the past and to grant Mehemet his sovereign pardon and a magnificent decoration, as well as to ensure him the hereditary succession of Egypt, on condition of his fulfilling the duties of vassalage and submission.[2] Mehemet, however, replied that he thought the Sultan's concession not a mark of generosity but of necessity. He declined to treat except on the understanding that he and his were to be secured in the possession of all that they had won; he declined to treat with Khosrew at all.[3] The victor in the struggle naturally considered that he should receive the prizes of the conquest.

Unsuccessful negotiations between Turkey and Egypt.

Mehemet Ali, however, overlooked one of the conditions of the contest on which he was engaged. He had beaten the Turk; but he had still to deal with the five Powers. All five were pledged to preserve the

[1] For Ibrahim's letter to Hafiz see Parliamentary Papers, session 1841, vol. xxix. p. 177. For the reply and prayer see *ibid.*, p. 183. For report of Sultan's murder see *ibid.*, p. 222.

[2] *Ibid.*, p. 260.

[3] *Ibid.*, pp. 279, 280.

integrity and independence of the Turkish Empire; and Palmerston, who was taking the lead among them all, thought that the death of the Sultan and the rout of the Turks increased rather than diminished the necessity for decisive action.[1] The British minister was not likely to hesitate when decisive measures seemed necessary. On the 3rd of August he drew up draft despatches to Stopford ordering him to proceed to Alexandria; to prevent the Egyptian fleet from entering the port, if it were outside of it; or to leave the port, if it were inside; to represent to Mehemet the determination of the five Powers to preserve the integrity of the Turkish Empire; to demand, as a necessary preliminary, the immediate restitution of the Turkish fleet; and, in the event of Mehemet's refusal to restore it, to apply every means of coercion, from the mildest to the severest in turn, to force him to comply. Orders such as these obviously could not be issued without the concurrence of the French Government. The British and French fleets were acting under identical instructions, and the movements of both of them had hitherto been the same. Palmerston, however, apprehended no difficulties from the French Government. Soult was a 'jewel,' acting as if he were a member of the same Cabinet as himself. Soult accordingly—so he thought—would at once concur with his own views and issue similar directions to the French admiral. To save time the despatch to Stopford was forwarded through Paris; and the messenger who bore it was ordered to wait Soult's decision. It was destined never to reach Stopford; Soult at once declined to adopt a proposal which a French historian subsequently styled 'a brutal proposition.'[2] The despatch was returned to London and cancelled; and even a milder suggestion, that the French and English Consuls

Palmerston resolves on interference.

Soult refuses intervention.

[1] See his despatch to Lord Beauvale in Parliamentary Papers, session 1841, vol. xxix. p. 256.

[2] *L'Histoire de dix Ans*, vol. v. p. 448.

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should demand the restitution of the fleet, and in the event of refusal withdraw from Alexandria, was subsequently rejected by the French Government.[1]

In fact, the Egyptian victory at Nezib and Achmet Pacha's treachery had brought out the differences which in reality existed between the five Powers. All of them were ready to profess their desire to maintain the integrity of the Turkish Empire. But all of them attached a very different interpretation to the professions which they thus made. Palmerston imagined that the integrity of the Turkish Empire could only be secured by the cession of Syria, Arabia, and Candia to the Porte. Metternich, on the whole, agreed with Palmerston, though he thought that Mehemet's conquests might revert to the Porte only after Mehemet's death. Nesselrode professed his readiness to support either plan, provided that it was first adopted by the Porte itself. Soult, on the contrary, attached little or no importance to the cession of Syria, and was, at any rate, determined to use no force to obtain its evacuation by Egypt. From Palmerston's point of view the dominion of the Porte should be restored over its old territory; and Turkey, under the joint protection of the five Powers, should again resume its place among nations. From Soult's point of view the Ottoman Empire was gradually being dismembered, and the interests of Europe required that every province which was detached from it should be converted into an independent State. Egypt extended to the Taurus might prove a better bulwark to Russian aggression than Turkey extended to the desert.[2]

The views of the five Powers.

It was obvious that the differences between France and England were much greater than the differences between England and the other Powers. It so happened,

[1] Parliamentary Papers, session 1841, vol. xxix. pp. 270, 289, 304, 317; and Guizot's *Mémoires*, vol. iv. p. 532.

[2] Cf. Parliamentary Papers, session 1841, vol. xxix. p. 292, with *Palmerston*, vol. ii. p. 297; and *L'Histoire de dix Ans*, vol. v. p. 428 sq.

too, that Lord Granville, the British minister at Paris, was temporarily absent from his duties, and that his place was supplied for the time by Henry Bulwer, who had already served with credit in various capacities. Bulwer lost no opportunity in impressing upon Palmerston that the French Ministry was only playing with the English Government;[1] and Palmerston, annoyed at the check which he had received from Soult, and made suspicious by Bulwer, determined on adopting a new line of policy. An opportunity for doing so was afforded by the arrival of important news from Constantinople. The Porte, at the end of July, was on the eve of accepting the ultimatum of Mehemet. The representatives of the five Powers at the Porte, acting on the spirit of their instructions, proceeded to the Grand Vizier, told him that all the great Powers were agreed on the Eastern question, and besought him to arrive at no definite arrangement without their concurrence.[2] The Grand Vizier, of course, 'cheerfully and readily' agreed to the proposal; and Ponsonby hurried off a despatch to Palmerston with the news. The news reached the Foreign Office at the very time at which France was refusing to support the coercive measures which Palmerston desired. Palmerston at once determined to break off the separate negotiation with France, and to combine all the five Powers in one common action. Vienna, he thought, from its geographical situation, should be the centre of the new negotiation; and formal instructions were accordingly forwarded to Lord Beauvale, the British minister at the Austrian Court, and brother of the Prime Minister of England, to commence a new negotiation. Beauvale was to try and induce the other four Powers to join with Britain in demanding

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The Porte engages to conclude no peace without the cognisance of the five Powers.

[1] *Palmerston*, vol. ii. p. 296.

[2] 'A suspendre toute détermination définitive en attendant l'effet de l'intérêt qu'elles lui portent.' Parliamentary Papers, 1839, vol. l. p. 297.

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the surrender of the Turkish fleet; in the event of Mehemet's refusal to surrender it he was to propose that the allied fleets should blockade the coasts of Egypt and Syria against all Egyptian vessels, and seize Candia. As time might be of importance, Stopford was ordered to take his instructions direct from Vienna. As Soult was obviously opposed to coercion, Beauvale was assured that, if the assent of the other four Powers could not be obtained, her Majesty's Government would act with 'a less number than four.'[1]

Palmerston's change of policy.

A single decision had altered almost in a moment the whole position of the Eastern question. At the beginning of August, Palmerston had been proposing to his 'jewel' Soult the joint action of France and England. At the end of August, Palmerston was seriously contemplating coercion with the help of the Northern Powers, and without the aid of France.[2] The full significance of the change was at once seen. Nicholas, delighted at the prospect of detaching France from England, sent Baron de Brunnow, a skilful and experienced diplomatist, to London for the purpose of concerting fresh measures with Palmerston. Brunnow came in the middle of September. But even before his arrival news reached the British Foreign Office that Vienna, Berlin, St. Petersburg, Constantinople, all looked with favour on the British proposals. Sebastiani, the French minister in London, could only stand by and watch the gradual isolation of his own Cabinet.

The isolation of France.

Baron Brunnow in London.

Brunnow arrived in England on the 15th of September, 1839. He was instructed to express the approval of Russia of Palmerston's policy: he was instructed to propose the co-operation of Russia in giving effect to it. Russia thought the measures which Palmerston had already suggested for the purpose were wise, and with

[1] Parliamentary Papers, session 1841, vol. xxix. pp. 341, 347.
[2] Guizot's *Mémoires*, vol. iv. p. 357.

one exception sufficient. She thought that the Powers might bring irresistible pressure on Mehemet by blockading the coasts of Egypt and Syria; by detaining Turkish vessels; and, if necessary, by seizing Candia. There was, however, a possibility that Mehemet would meet the warlike measures of the allies by ordering Ibrahim to advance on Constantinople. The British and French fleets, engaged in blockading the Syrian coasts, would be unable to arrest the advance; and the power of the Sultan might for ever be destroyed by a direct blow at the heart of his empire. To guard against this danger Brunnow was instructed to propose that, in the contingency of Mehemet's advance, Russia should herself move a fleet to Constantinople, and an army to the Asiatic shores of the Bosphorus. Fleet and army were, however, to be at the disposal of the Alliance, and to retreat at the orders of the allied Powers. If the allies would assent to this proposal Russia offered to abstain from renewing the treaty of Unkiar Skelessi, and to consent, as a permanent arrangement, to the closing, in time of peace, both of the Bosphorus and of the Dardanelles to the ships of war of every Power. Russia—Brunnow was instructed to add—would gladly act with all the allied Powers; but, if France refused to act, she would co-operate—she would, indeed, preferably co-operate—with Britain and Austria alone.[1]

Palmerston communicated Brunnow's proposal to the French Ministry and his own colleagues. He avoided, however, telling France that Russia would prefer to dispense with French assistance. His reticence on this point did not conciliate the French Government. Soult was passionately opposed to the proposition that a Russian force should advance to the Bosphorus, while France and England stationed their fleets off the

Soult objects to Brunnow's propositions.

[1] Parliamentary Papers, session 1839, vol. xxix. p. 470. *Palmerston*, vol. ii. p. 300.

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coasts of Syria and Egypt. 'If a Russian fleet arrive in the Bosphorus, a French fleet shall appear there also,' was his emphatic declaration to the British Chargé d'Affaires in Paris.[1] Soult's declaration proved that an unconditional compliance with the Russian offer would involve an immediate European war. The British Ministry, decided, therefore, on asking for some modification in the Russian offer; and on proposing that, in the event of a Russian fleet entering the Bosphorus, a British and French fleet should simultaneously enter the Dardanelles. Brunnow declined, on his own authority, to accept this modification of the Russian scheme; but he returned to St. Petersburg to submit it to Nicholas. Towards the end of November he was again on his way to London, bearing the welcome news that the Emperor agreed to Palmerston's stipulation, 'que le pavillon de chacune des puissances qui voudront participer à l'action commune, soit représenté par l'envoi de quelques bâtimens.'[2]

The Russian proposal modified and accepted.

Nicholas' concession produced grave consequences. It cemented the alliance between Russia and Britain. It seemed, at first, likely to conciliate the French Ministry. Soult admitted that Russia had removed 'the great obstacle to the satisfactory solution of the Eastern question.'[3] Yet, notwithstanding this admission, France gave no signs of joining the alliance. She still declared that Palmerston had not paid sufficient attention to the character and resources of Mehemet; she still feared that it was dangerous or even impracticable to force him to comply with the British ultimatum. The language which France was using, however, was deprived of much of its force by the inconsistencies which it was easy to point out in her policy. In June France, like Britain, had stood pledged to maintain the integrity of the Turkish Empire; in September she

The inconsistencies of Soult's policy.

[1] Parliamentary Papers, session 1839, vol. xxix. p. 431.
[2] *Ibid.*, session 1841, vol. xxix. p. 536. [3] *Ibid.*, p. 554.

was proposing the division of the Levant between Sultan and Pacha. In June her fleet was co-operating with the British squadron to enforce peace; in September she was steadily refusing to adopt coercive measures. The true explanation of these differences was that the battle of Nezib had altered the situation; but Soult had not the courage to plead this excuse for his altered policy. The most that he dared say was that France could not be blind to the 'nécessité des faits.'[1] He professed to the very end that he preferred Palmerston's policy to his own; but that he thought it impracticable.[2] Admissions of this character naturally gave the British minister a great advantage. He could say, with perfect truth that, from first to last, he had been consistent; he could show, beyond the possibility of dispute, that France had been inconsistent. He could even show that the later policy of France was so inconsistent that the French minister was proposing one arrangement in Paris, and the French Ambassador suggesting another in London.[3] When Soult admitted that Palmerston was right in principle the whole French case fell to the ground.

Every day witnessed the strength of Palmerston's argument; every day made it more difficult for Soult either to answer the British minister or to agree to the British terms. At the end of January the French Chambers met. The voice of France made itself heard. The French, it was evident, recognised the 'nécessité des faits' much more clearly than their minister. French interests, in the opinion of the French, pointed to an alliance between France and Egypt; and the tone of the debates made it impossible to hope that France would unite with the other Powers. No French minister, it was obvious, could resist the strong current of

The French Chambers meet.

[1] Parliamentary Papers, session 1841, vol. xxix. p. 306.

[2] *Ibid.*, p. 598.

[3] Cf. *ibid.*, 1841, pp. 427, 436, 444; *L'Histoire de dix Ans*, vol. v. pp. 441, 451; *Guizot*, vol. v. p. 224.

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public feeling which Mehemet's victories had set in motion; and Palmerston, in consequence, made up his mind that Britain must act without the aid of either France or Soult. It so happened, however, that an obscure question of no great importance led to a fresh change in the French Ministry. Louis Philippe, more anxious to provide for his own children than to further French interests in the East, persuaded Soult to apply for a dotation of 500,000 francs a year for his second son, the Duc de Nemours. The French Chambers threw out the proposal; and Soult, finding himself in a minority, resigned his office. He was succeeded by Thiers; and Guizot, who had already been appointed to the office by Soult,[1] was employed as minister at London in succession to Sebastiani. The change in the French Ministry was made in the commencement of March 1840; it necessarily created a fresh delay in dealing with the affairs of Eastern Europe. Thiers, new to office, naturally required time to master the history of the negotiations, and to consult his colleagues;[2] and Palmerston, anxious to secure the co-operation of France, gladly waited for the decision of the new Government.[3]

Soult's Ministry falls.

The change in the French Ministry afforded France an opportunity for reconsidering her position. It was open to Thiers to declare that the integrity of the Ottoman Empire, in the sense in which Palmerston understood it, had been made impossible by the battle of Nezib; and that the best course to take was to extend Egypt to the Taurus instead of attempting to extend Turkey to the desert. Such a declaration would have been supported by the French people; and, if it had isolated France, would at least have made her policy consistent. Thiers and Guizot, however, like Soult and Sebastiani, shrank from taking this course. Their hesi-

The Eastern policy of Thiers.

[1] Guizot has related his experience in England in much detail in the 5th vol. of his *Mémoires*.

[2] Parliamentary Papers, session 1841, vol. xxix. p. 630.

[3] *Ibid.*, p. 632.

tation made their arguments inconsistent; and did not terminate the growing coolness between France and England. Trust gave place to suspicion, and France hurriedly prepared more ships of war at Toulon; while England, in her turn, raised her navy estimates.[1] In the beginning of April the Porte sent a special Ambassador to London charged to urge the Powers to immediate action in redemption of their note of the previous July. The British minister at once offered to sign a convention for the purpose. The French minister authorised Guizot to discuss its terms with Palmerston, but still shrank from employing coercive measures against Mehemet.[2] The currents which were bearing Thiers and Palmerston on their respective courses were continually carrying them further from each other.

Yet an effort was still possible to reconcile the conflicting views of the two ministers. The Austrian and Prussian ambasadors persuaded Palmerston to consent to cut Syria in half; and to offer the southern half to Mehemet on condition of his abandoning the rest of his conquests to the Porte.[3] Nothing, however, would content Mehemet except the whole of Syria; and no arrangement, which did not content Mehemet, could be wrung from the Pacha without the application of force.[4] It was wiser and better—so France argued—to purchase Mehemet's consent by giving him a little more,

[1] Palmerston, in December, had spoken to Sebastiani in a friendly manner on the preparations which the French were making at Toulon. (Parliamentary Papers, session 1841, vols. xxix. p. 552.) He repeated these remonstrances in March. (*Ibid.*, p. 629.) The British navy was in no condition to meet a formidable enemy. The sums spent on it had been gradually reduced from 6,540,000*l.*, in 1826, to 4,099,000*l.* in 1835. (*Return of Public Income and Expenditure*, 1870, part ii. pp. 59, 77.) From 1836 constant complaints were made of the inefficient condition of the fleet, and its inability to meet the Russians; and the charge of the navy was gradually increased to 5,490,000*l.* (*Ibid.*, p. 85.) The estimates were again raised in March 1840, obviously in consequence of the French preparations at Toulon. *Hansard*, vol. liii. p. 454; and cf. p. 467; and *Palmerston*, vol. ii. p. 310.

[2] Parliamentary Papers, 1841, vol. xxix. pp. 657, 659, 660, 662.

[3] *Guizot*, vol. v. pp. 85, 210.

[4] *Ibid.*, p. 190.

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than to force him into resistance by giving him a little less. These arguments did not satisfy Palmerston. Austria, he had ascertained, was ready to join him in employing force; and he was consequently determined, with or without French aid, to carry out his own decision. His resolution was almost immediately tested. Mehemet, concerned at the prospect of a convention between Turkey and the allies, decided on taking a fresh step to frustrate the action of Britain and the other Powers. He resolved on sending a high official to the Porte, with authority and power to treat direct with the Sultan.[1] His decision brought everything to an issue in a moment. Palmerston believed that Mehemet's action was taken at the instigation of France, and hastily determined to bring matters to an issue without French co-operation. He accordingly signed a treaty in London, on the 15th of July, 1840, with the Austrian, Prussian, and Russian representatives on the one side, and the Turkish Ambassador on the other, detailing the terms of the arrangement to be concluded between Turkey and Egypt, and pledging the allies to use force to give effect to it. An ultimatum was at once forwarded to Mehemet demanding his assent to these conditions.

The Quadrilateral Treaty of 1840.

Britain was pledged to decisive action; but an important minority, both in Parliament and the Cabinet, doubted the wisdom of the policy to which Palmerston had committed his country. In 1839 the Radicals had disputed the propriety of interfering with a potentate

[1] Parliamentary Papers, 1841, vol. xxix., p. 712. Bulwer says (*Palmerston*, vol. ii. p. 314) that Thiers instigated the offer from Mehemet. 'He took a course which, if successful, would have been praised as skilful; but which, if it failed, would be condemned as tricky.' The passage is not generous, since Thiers distinctly denied to Bulwer himself—who was Chargé d'Affaires at Paris—that endeavours had been made by the French Government to annihilate the negotiations in London. (Parliamentary Papers, 1841, vol. xxix. p. 751.) The British Consul in Egypt told Palmerston that he had every reason to believe the French Consul-General had no participation whatever in Mehemet's offer. *Ibid.*, p. 712. Cf. *Guizot*, vol. v. p. 206.

whom Brougham declared to be 'the most distinguished of any individual upon any throne at the present time.'[1] In 1840 the Whig members of the Cabinet disliked a policy which threatened the termination of the French alliance.[2] They did not, however, push their opposition to Palmerston to its full extreme; and the Foreign Minister, insisting on either the adoption of his own views or on his retirement from the Cabinet, succeeded in insuring the success of his policy. The result showed that he had correctly estimated the will of France to interfere, and the capacity of the allied Powers to carry out the policy of coercion. The French, indeed, were, in the first instance, furious at the news of the Quadrilateral Treaty. Thiers himself told Bulwer that the alliance between England and France was at an end. He declined to enter into any explanations respecting the French fleet. 'This is not the time,' he angrily declared, 'to ask or to give explanations.'[3] But his anger did not lead to action. The four Powers formally communicated to Mehemet their decision that he should receive the hereditary sovereignty of Egypt and the Pachalic of Acre for life. They told him that, in the event of his failing to accept these terms within ten days, the offer would be withdrawn, and his Pachalic would be confined to Egypt alone. Mehemet, instead of accepting the offer of the Powers, renewed his direct negotiation with the Porte; and the Porte, with hasty arrogance, had the folly to decree his deposition. France, at once, isolated as she was, generously declared that she would not consent to the act of deprivation being carried into execution.[4] The impotent decrees of the unfortunate boy, however, who was enthroned at Constantinople had

The anger of France.

[1] *Hansard*, vol. xlvi. p. 325.

[2] *Palmerston*, vol. ii. p. 356; and cf. *Guizot*, vol. v. pp. 67, 192.

[3] Parliamentary Papers, 1841, vol. xxix. p. 751.

[4] See Thiers' despatch of October 8, 1840. *Ibid.*, pp. 1014, 1018.

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no effect on the allies. A joint British, Austrian, and Turkish squadron was already blockading the coasts of Syria and Egypt. In the middle of September Beyrout, a seaport at the northern extremity of the Pachalic, was bombarded by the allies; on the 26th of September, Saida, the ancient Sidon, was stormed and taken by a mixed force under the command of Commodore Napier; and on the 3rd of November Acre was attacked by the allied fleet, and, after a bombardment of only three hours, reduced to ruins.

The fall of Acre.

News of the fall of Acre came with startling rapidity both to Paris and London. Acre enjoyed a reputation of almost invincible strength. Its defence by Sidney Smith, forty years before, against Napoleon had altered the history of the world, and had surrounded the British navy with fresh glory. For two months Napoleon had stood before the town, baulked by the strength of its position and the gallantry of its defenders. Smith's exploit had been illustrated by the new siege to which the fortress had been exposed in the autumn of 1831. Ibrahim employed nearly six months in wresting it from the Turkish garrison by which it was held. The story of these sieges impressed the Continent with the power of the position; and, in October 1839, Soult himself told Bulwer that 'there was no Power in Europe capable of taking St. Jean d'Acre.'[1] Its destruction in only three hours by the fire of the allies was as unexpected as it was startling. The fall of the town, moreover, rendered the position of Ibrahim untenable. The only possible road by which an army can penetrate by land from Egypt to Asia Minor lies along the shores of Syria and under the guns of Acre. The line on which Ibrahim depended for his supplies was, therefore, pierced by the fall of the fortress. The capture of the position was essential to

[1] Parliamentary Papers, 1841, vol. xxix. p. 449.

Napoleon in 1798: its loss was fatal to Ibrahim in 1840. Ibrahim had nothing to do but to retire, as best he could, into Egypt; Mehemet had nothing to do but accept the terms which the allies offered him. Palmerston had, in fact, more difficulty in the future in restraining the arrogant pretensions of the Sultan than in curbing the ambition of his Pacha. The guns of the allies had effectually settled the Eastern question, and restrained Mehemet for ever within the Pachalic of Egypt.

The effects of its fall.

This settlement was made more easy by a fresh Ministerial crisis in France. Louis Philippe was alarmed at the warlike language of his ministers: he checked the warlike preparations which Thiers was making; he took upon himself in the middle of October to dismiss his Ministry, and recall Soult to his counsels. Soult chose Guizot as his Foreign Minister. Soult and Guizot, though both annoyed at the discourtesy of Palmerston, laboured to preserve the British Alliance for their country. After Nezib, Soult had urged that Europe should not be blind to the 'nécessité des faits.' After Acre, Guizot could maintain that France must recognise 'les faits accomplis.' The French Chambers, in November, approved the policy of the new Government. France accordingly, again co-operating with the allies, became a party to the ultimate settlement of Egypt. She was a party to the treaty by which, in the following July, the great drama was concluded and Turkey consented in time of peace to close both Bosphorus and Dardanelles to the ships of war of all Powers.

Soult recalled to power.

The success which had rewarded Palmerston's policy ensured its approval by the British people. A policy which had foiled the French, and produced a fresh naval victory, was certain to be popular. The consistency, moreover, which Palmerston had displayed from first to last, the firmness with which he had maintained his opinions, the promptitude with which he had acted on

The popularity of Palmerston's foreign policy.

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them, was calculated to make a profound impression on the public mind. Everyone knew the difficulties which he had successfully surmounted, the faint support which the Ministry was receiving from Parliament, and the 'rabid'[1] opposition of the French nation. Most people knew that his difficulties had been increased by the dislike of many of his own colleagues to his policy. It was natural, under these circumstances, that the fame of the British Foreign Minister should be raised to an extraordinary height by the skill of his plans and the vigour of his blow. Throughout Europe, throughout the East, throughout Britain itself, the name of Palmerston was on every lip. He had raised the honour of Britain to a level which it had not reached since the days of Waterloo. Other statesmen had won unanimity by concessions; he alone had won unanimity by success.

Objections to it.

Yet, amidst the enthusiasm which the capture of Acre and the fall of Thiers had excited in Britain, a few men questioned the policy which Palmerston had pursued.[2] They detected inconsistencies where other men saw nothing but consistency. They ventured to disapprove the proceedings which the mass of their fellowmen was loudly approving. The judgment of posterity has frequently sided with the minority; and it is probable that any calm-judging person who examines Palmerston's foreign policy will reluctantly condemn his treatment of the Eastern question. It will be obvious, on such an examination, that the foreign policy of Palmerston, during the Grey and Melbourne Administrations, is roughly divisible into two parts. The first part culminated in a Quadruple Alliance between the Constitutional Powers of Western Europe; the second part culminated in a Quadrilateral Alliance between

[1] The epithet is Lord Beaconsfield's, in *Tancred*, chap. vii.

[2] The case against Palmerston was admirably stated by Grote, in *Hansard*, vol. lvi. p. 50. Cf. Mr. Milnes (Lord Houghton), *ibid.*, p. 78; and Hume, *ibid.*, p. 83.

Britain and the autocratic Powers of Northern Europe. A good understanding with France was, at once, the basis and the object of the policy during the one period. The *entente cordiale* was contemptuously cast aside during the latter period.

A wise man will not willingly sacrifice a good understanding with his friend; a wise minister will not willingly sacrifice the friendship of an ally. There is no reason to suppose that Palmerston did not regret the separation of his country from France. He thought it inevitable; and, so thinking, broke from Soult and Thiers without regret and without explanation. Yet any calm person who reviews the events will probably be struck with the trifling nature of the difference between Thiers and Palmerston. Palmerston offered Mehemet Egypt and the Pachalic of Acre for life. Thiers wished to secure to Mehemet, not merely the Pachalic of Acre, but the whole of Syria. There was reason to believe that Mehemet would have accepted Thiers' offer. It was certain that he would refuse Palmerston's offer. Yet Palmerston risked the consequences of Mehemet's refusal for the sake of obtaining acceptance of his own plan. There was force in Thiers' scornful rebuke of his policy: 'The four Powers, in granting to the successful vassal, who has been able to govern Egypt, hereditary right in that province grant him, besides, the Pachalic of Acre, but they refuse him the three other Pachalics of Damascus, Aleppo, and Tripoli; and they call that preserving the integrity of the Ottoman Empire! The integrity of the Ottoman Empire is, then, preserved, even if Egypt and the Pachalic of Acre is detached from it; but destroyed, if, in addition to that, Tripoli, Damascus, and Aleppo are detached. We plainly assert that such a proposition cannot be gravely maintained in the face of Europe.'[1]

The rupture with France was not justifiable.

[1] The despatch will be found in *Ann. Reg.*, 1840, Chron., p. 527.

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The propriety of the proceeding, moreover, becomes more doubtful when it is recollected that, but for Palmerston and Europe, peace between the Sultan and his Pacha would have been insured in 1839. No one doubted that Abdul Medjid and Mehemet would have arranged terms in that year if the ministers of the Great Powers had not stopped the negotiations, and Palmerston had not warmly supported the policy of the ministers. It was probable, even, that Mehemet would have made terms with the Sultan in 1840, if the conclusion of the treaty of July had not stopped the negotiations which he had voluntarily initiated. The intervention of the Powers, then, did not terminate hostilities; on the contrary, it protracted them. It stopped the settlement which the combatants would themselves have made: it forced another settlement upon them. It reversed the ordinary rules of warfare; it gave the vanquished the prizes of conquest; it refused the victor the fruits of his victory.

The intervention of Palmerston in Syria was, indeed, only a natural development of his earlier foreign policy. He had intervened with France in Belgium; he had intervened in Portugal; he had allowed a British Legion to enlist for Spain; his admirers thought it only natural that he should intervene in Syria; and yet it was possible to draw a distinction between all these cases. In Belgium treaty rights and the original application of Holland justified to some extent the intervention of the Foreign Minister. The gross brutality of Miguel justified to some extent the intervention of the Foreign Minister in Portugal. Intervention in Spain was concealed by the device of enlisting Evans in the service of the Constitutionalists. In Syria, on the contrary, intervention was direct: it was uncalled for by any treaty stipulations; it placed a province at the mercy of a Government which had long displayed its incapacity for rule.

British interests, however, in Palmerston's judgment, necessitated the intervention. Britain was compelled to raise a barrier to Russian aggression. She could not afford to see Egypt, the ally of France, blocking the road to India down the valley of the Euphrates, blocking the road to India across the Isthmus of Suez; and Britain, therefore, in her own behalf, was compelled to intervene. But here again it was possible to reply that Mehemet might be the ally of Britain as well as the ally of France, while his well-trained legions formed a better barrier to Russian aggression than the feeble sceptre of the 'très-majestueux, très-puissant, et très-magnifique' lad who was trembling on his throne at Constantinople. Palmerston affected to fear the advance of a living despot; and the living despot, wiser than the British Foreign Minister, gladly allowed the dead corpse of Mahometan rule to be raised as a barrier against his approach.

Intervention was not justified by British interests.

One other consideration affected people who could take a wider view than Palmerston was taking of British interests. British interests, in the true sense of the term, depended on the spread of peace and prosperity; and neither peace nor prosperity was promoted by assigning the Levant to the feeble and brutal government of the Porte. The province, too, whose chains were again placed in the hands of the Sultan was a country in whose prosperity every Christian nation has a keen interest, but which seems designed by Providence to be the miserable theatre of the worst actions of mankind. More than three thousand years ago its first conquerors raised massacre into a policy, and had the profanity to impute their brutal proceedings to the direct commands of a beneficent Deity. The Assyrian, the Roman, the Mussulman, and the Christian have, since then, alternately seized the devoted land; and each successive conqueror has freely watered its

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plains with human blood. Peace had for a moment been secured to the exhausted territory by the firm discipline of Ibrahim. Order disappeared with the return of the Turk; and the Syrian question, which Palmerston fancied that he had settled, was destined a few years afterwards to menace the peace of the world.

These, however, were the opinions of only a minority in 1841. The majority loudly praised the British Foreign Minister. His policy had been rewarded with success; it had shed fresh lustre on the British arms; it had raised the name of Britain on the Continent; it even threw some little light on the tarnished reputation of the British Ministry at home. The Melbourne Administration thus acquired some fame from the success of a system which many of its own members had opposed; and a falling Ministry could at any rate boast that it had made the name of Britain respected and feared in every capital in Europe.

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